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Monday
February 13, 1989

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WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

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Contents

Federal Register

Vol. 54, No. 28

Monday, February 13, 1989

Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
907 6503
Proposed Rules:
1933 6532
1944 6532

8 CFR
245a 6504

13 CFR
101 6512

14 CFR
39 (2 documents) 6512, 6514
97 6515
Proposed Rules:
39 6549

16 CFR
305 6517

21 CFR
5 6517
558 6518

29 CFR
Proposed Rules:
1602 6551
1627 6551

33 CFR
100 6519
207 6519
334 6519

36 CFR
Proposed Rules:
Ch. VII 6553

37 CFR
10 6520

38 CFR
1 6520

40 CFR
300 6521

44 CFR
64 6522

50 CFR
611 6524
672 6524
683 6531

Rules and Regulations

Federal Register
Vol. 54, No. 28
Monday, February 13, 1989

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 687]

Navel Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 687 establishes the quantity of California-Arizona navel oranges that may be shipped to market during the period February 10 through February 16, 1989. Such action is needed to balance the supply of fresh navel oranges with the demand for such oranges during the period specified due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: Regulation 687 (§ 907.987) is effective for the period February 10, 1989 through February 16, 1989.

FOR FURTHER INFORMATION CONTACT: Jacquelyn R. Schlatter, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2528–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 447–5120.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order 907 (7 CFR Part 907), as amended, regulating the handling of navel oranges grown in Arizona and designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of the use of volume regulations on small entities as well as larger ones.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 125 handlers of California-Arizona navel oranges subject to regulation under the navel orange marketing order, and approximately 4,065 producers in California and Arizona. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual gross revenues for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona navel oranges may be classified as small entities.

This action is consistent with the marketing policy for 1988–89 adopted by the Navel Orange Administrative Committee (Committee). The Committee met publicly on February 7, 1989, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously recommended a quantity of navel oranges deemed advisable to be handled during the specified week. The Committee reports that the demand for navel oranges has improved.

Based on consideration of supply and market conditions, and the evaluation of alternatives to the implementation of prorate regulations, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. To effectuate the declared purposes of the Act, it is necessary to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

List of Subjects in 7 CFR Part 907

Arizona, California, Marketing agreements and orders, Navel oranges.

For the reasons set forth in the preamble, 7 CFR Part 907 is amended as follows:

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. The authority citation for 7 CFR Part 907 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

2. Section 907.987 is added to read as follows. (This section will not appear in the Code of Federal Regulations.)

§ 907.987 Navel Orange Regulation 687.

The quantity of navel oranges grown in California and Arizona which may be handled during the period February 10, 1989, through February 16, 1989, are established as follows:

(a) District 1: 1,566,000 cartons;

(b) District 2: 234,000 cartons;

(c) District 3: unlimited cartons; and

(d) District 4: unlimited cartons.

Dated: February 8, 1989.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 89–3336 Filed 2–8–89; 4:02 pm]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 245a

[INS Number 1106-89]

Adjustment of Status for Certain Aliens; Immigration Reform and Control Act

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: Section 201 of the Immigration Reform and Control Act of 1986 (IRCA) provides for the legalization of aliens who have been residing illegally in the United States since before January 1, 1982. The Service published implementing regulations at 52 FR 16205 (May 1, 1987). The Service found it necessary to amend these regulations and published an interim rule at 52 FR 43843 (November 17, 1987). Interim rule regulations were published at 53 FR 9274 (March 21, 1988). This final rule will further amend the regulations to provide for another class of eligible aliens, specifically, certain nationals of countries for which extended voluntary departure (EVD) was made available at any time during the five year period ending on November 1, 1987.

EFFECTIVE DATE: Final rule is effective February 13,1989.

FOR FURTHER INFORMATION CONTACT: Terrance M. O'Reilly, Deputy Assistant Commissioner, Legalization, (202) 786-3658.

SUPPLEMENTARY INFORMATION: The Immigration Reform and Control Act of 1986 (IRCA), Pub. L. 99-603 was enacted on November 6, 1986. The Service published implementing regulations at 52 FR 16205, May 1, 1987, and amending regulations at 52 FR 43843, November 17, 1987; 53 FR 9274, March 21, 1988; 53 FR 9862, March 28, 1988; and, at 53 FR 23382, June 22, 1988. On December 22, 1987, the Department of State Authorization Bill, Pub. L. 100-204 was signed into law. Section 902 of the bill allows nationals of Poland, Ethiopia, Afghanistan, and Uganda to apply for temporary resident status pursuant to the provisions of section 245A of the Immigration Reform and Control Act of 1986. Most of the same benefits, conditions, and responsibilities of section 245A of the INA have been extended to qualifying nationals of these countries. The eligibility requirements and application period differ from those for aliens who are under the scope of the Immigration Reform and Control Act of 1986. Therefore, the Service is creating a new regulatory section—"245a.4" entitled "Adjustment to Lawful Resident Status of Certain Nationals of Countries for which Extended Voluntary Departure has been made Available."

At 53 FR 9274, March 21, 1988, the Service published an Interim Rule with request for comments. Twelve interested individuals and organizations submitted written comments. All comments were reviewed and given serious consideration.

Summary of the Final Rule

The provisions of the proposed rule which received comments will be discussed separately. This final rule amends 8 CFR 245a.4 created under the provisions of the March 21, 1988 interim rule published in the **Federal Register** at 53 FR 9274. This final rule includes all changes made from the interim rule which incorporates the requirements for certain nationals of countries for which extended voluntary departure was made available to become temporary resident aliens of the United States under section 245a.

Under the definition of "resided continuously," in § 245a.4(a)(3)(i), one commentor stated that placing any travel restrictions on a temporary resident was not equitable, and that temporary residents should be afforded the same travel privileges and restrictions which permanent residents now enjoy. Temporary residence is a unique status created by the Immigration Reform and Control Act of 1986 (IRCA), not afforded the same privileges and restrictions as that of the status of permanent residence. In fact, an applicant must satisfy an 18-month eligibility period as a temporary resident prior to being permitted to apply for permanent residence. Therefore, the period of time required for eligibility under this section shall not be changed and shall remain consistent with section 245a regulations.

Section 245a.4(a)(4) pertaining to the definition of "continuous residence" has been amended to reflect clarifying language as relates to adjustment from temporary to permanent resident status under § 245a.3.

A commentor suggested that restrictive dates under the definition of "continuous physical presence" of § 245a.4(a)(6) be omitted. After giving this recommendation serious consideration, the Service believes that these dates are reasonable, within the intent of the statute, and consistent with section 245a. Therefore, this definition will remain unchanged.

The same commentor desired a change of "brief, casual, and innocent," as defined in 245a.4(a)(7) to reflect any departure which does not "* * * meaningfully interrupt continuous physical presence in the United States * * *." Again, after serious consideration, the Service believes that the definition is reasonable, within the intent of the statute, and consistent with section 245a. The definition will remain unchanged.

Clarifying language pertaining to § 245a.4(a)(10), the definition of "public cash assistance," has been previously issued in relationship to section 245a. Therefore, the Service believes that no need exists to further restrict the definition. The regulation concerning "Special Rule for Determination of Public Charge," however, has been expanded.

Section 245a.4(a)(12), the definition of "through the passage of time," shall remain as stated in the Interim Rule. However, the term "in an unlawful status" has been eliminated.

A commentor suggested that § 245a.4(b) (1) and (2) be extended to nationals other than those from the four designated countries. The Service will not alter its position on this issue. The Congressional Conference Committee report was clear as to which groups would qualify under this statute.

Several comments were received concerning an applicant's "unlawful status," and that it should not be considered under § 245a.4 because the statute does not specifically address an alien's unlawful status. The statute does state, however, that in order to be considered as eligible under this section, an applicant who entered the United States as a nonimmigrant before July 21, 1984, must establish that his or her period of authorized stay as a nonimmigrant expired not later than January 20, 1985, through the passage of time; or, that the alien applied for asylum prior to July 21, 1984. Therefore, in order to be considered eligible under this section, a nonimmigrant must not have had an authorized period of stay after January 20, 1985. Accordingly, in § 245a.4(b)(2)(i) (A) through (F), all other references to "unlawful status," have been deleted.

Several commentors pointed out a discrepancy in § 245a.4(b)(2)(i) (E) and (F), concerning the dates of eligibility for nonimmigrants who possess "Duration of Status (D/S)" expirations of

authorized permission to remain in the United States and those nonimmigrants who possess date-certain expiration dates. In order to be consistent with the intent of the law and in concurrence with the comments provided, the date relating to eligibility is changed to "January 21, 1985."

Section 245a.4(b)(2)(i)(F) is also amended to clarify eligibility requirements for those students who were granted student status retroactively ("nunc pro tunc").

One commentor indicated that the exemption from the two-year foreign residency requirement of section 212(e) should be specifically stated in these regulations. The Service omitted this part from § 245a.4(b)(3) from the requirements of the Interim Rule of § 245a.4 and believes that this is a sufficient indication of non-applicability to applicants under § 245a.4.

Several commentors asked for more flexibility in the requirements for documentation concerning proof of nationality in § 235a.4(b)(4)(ii). The Service believes that proof of nationality is an integral factor in establishing eligibility under § 245a.4. It is also understood that most applicants under this statute already have established a record with INS, either through nonimmigrant status, extended voluntary departure requests, or asylum applications. Therefore, the Service has amended this part to include other credible documentation as acceptable evidence of an alien's nationality.

Section 245a.4(b)(9) is amended to include specific language concerning the serological test for the HIV virus.

Section 245a.4(b)(11)(iv) is amended to reflect policy guidance concerning the two-tiered evaluation method for determination of an applicant's likelihood to become a public charge.

Clarifying language is added to § 245a.4(b)(14)(iv) to reflect the status of an alien under the State Legalization Impact Assistance Grants (SLIAG) program upon denial of his or her temporary resident application and expiration of the appeal period.

One commentor stated that clarifying language should be added to § 245a.4(b)(16) to coincide with the policy memorandum issued in reference to § 103.5a(b) of this Act. The Service agrees and has added the clarification. Other language clarifying the appeal process, including the filing of briefs, has also been added.

Section 245a.4(b)(18) is amended to reflect clarifying language concerning certification of remanded cases to the Administrative Appeals Unit.

Numerous commentors recommended that the provisions of confidentiality under section 245a be extended to applicants under § 245a.4. Although the statute does not specifically include confidentiality as it pertains to these applicants, the confidentiality provisions will be extended to this group. The Service believes that a definite need for a statement of the confidentiality provisions exists due to the close relationship to the section 245a program and because the same reasons for confidentiality still apply (individuals will not come forward due to fear of apprehension if the guarantee of confidentiality is not extended to them; and, employers will be reluctant to issue evidence of employment if guarantees of confidentiality do not exist.) Therefore, the confidentiality provisions are stated in a new § 245a.4(b)(23).

Section 245a.4(c)(2) is amended to indicate that all provisions of § 245a.3 shall apply to aliens adjusting to permanent resident status.

One commentor indicated a necessity for some type of travel documentation to be provided to applicants under this section, especially because of an inability for members of this particular group to presently obtain passports from their respective countries of nationality. The Service believes that this recommendation has merit, and is investigating the possibility of permitting applicants under this section to obtain refugee travel documents within already existing guidelines.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not a major rule within the definition of section 1(b) of E.O. 12291, nor does this rule have federalism implications warranting the preparation of a Federal assessment in accordance with E.O. 12612.

The information collection requirements contained in this regulation have been cleared by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act. The OMB control numbers for these collections are contained in 8 CFR 299.5.

List of Subjects in 8 CFR Part 245a

Definitions, Temporary resident status, Permanent resident status.

Accordingly, Chapter I of Title 8 of the Code of Federal Regulations is amended as follows:

PART 245a—ADJUSTMENT OF STATUS TO THAT OF PERSONS ADMITTED FOR LAWFUL TEMPORARY OR PERMANENT RESIDENT STATUS UNDER SECTION 245A OF THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED BY PUB. L. 99-603, THE IMMIGRATION REFORM AND CONTROL ACT OF 1986, AND PUB. L. 100-204, SECTION 902

1. The authority citation for Part 245a is revised to read as follows:

Authority: 8 U.S.C. 1103, 1255a, 1255a note, and 8 CFR 2.1.

2. Section 245a.4 is revised to read as follows:

§ 245a.4 Adjustment to lawful resident status of certain nationals of countries for which extended voluntary departure has been made available.

(a) *Definitions.* As used in this section: (1) "Act" means the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986.

(2) "Service" means the Immigration and Naturalization Service (INS).

(3) "Resided continuously" means that the alien shall be regarded as having resided continuously in the United States if, at the time of filing of the application for temporary resident status:

(i) No single absence from the United States has exceeded 45 days, and the aggregate of all absences has not exceeded 180 days between July 21, 1984, through the date the application for temporary resident status is filed, unless the alien can establish that due to emergent reasons, his or her return to the United States could not be accomplished within the time period allowed;

(ii) The alien was maintaining residence in the United States; and

(iii) The alien's departure from the United States was not based on an order of deportation.

An alien who has been absent from the United States in accordance with the Service's advance parole procedures shall not be considered as having interrupted his or her continuous residence as required at the time of filing an application. An alien who, after appearing for a scheduled interview to obtain an immigrant visa at a Consulate or Embassy in Canada or Mexico but who subsequently is not issued an immigrant visa and who is paroled back into the United States pursuant to the stateside criteria program, shall be considered as having "resided continuously."

(4) "Continous residence" means that the alien shall be regarded as having resided continously in the United States if, at the time of applying for adjustment from temporary residence to permanent resident status: No single absence from the United States has exceeded 30 days, and the aggregate of all absences has not exceeded 90 days between the date on which lawful temporary resident status was granted and the date permanent resident status was applied for, unless the alien can establish that due to emergent reasons or extenuating circumstances beyond his or her control, the return to the United States could not be accomplished within the time period(s) allowed. A single absence from the United States of more than 30 days, and aggregate absences of more than 90 days during the period for which continuous residence is required for adjustment to permanent resident status, shall break the continuity of such residence unless the temporary resident can establish to the satisfaction of the district director that he or she did not, in fact, abandon his or her residence in the United States during such period.

(5) "To make a determination" means obtaining and reviewing all information required to adjudicate an application for the benefit sought and making a decision thereon. If fraud, willful misrepresentation or concealment of a material fact, knowingly providing a false writing or document, knowingly making a false statement or representation, or any other activity prohibited by the Act is established during the process of making the determination on the application, the Service shall refer the matter to the United States Attorney for prosecution of the alien or of any person who created or supplied a false writing or document for use in an application for adjustment of status under this part.

(6) "Continuous physical presence" means actual continuous presence in the United States since December 22, 1987, until filing of any application for adjustment of status. Aliens who were outside of the United States after enactment may apply for temporary residence if they reentered prior to March 21, 1988, provided they meet the continuous residence requirements, and are otherwise eligible for legalization.

(7) "Brief, casual, and innocent" means a departure authorized by the Service (advance parole) subsequent to March 21, 1988, for not more than 30 days for legitimate emergency or humanitarian purposes unless a further period of authorized departure has been granted in the discretion of the district director or a departure was beyond the alien's control.

(8) "Brief and casual" means temporary trips abroad as long as the alien establishes a continuing intention to adjust to lawful permanent resident status. However, such absences must not exceed the specific periods of time required in order to maintain continuous residence.

(9) "Certain nationals of countries for which extended voluntary departure has been made available on the basis of a nationality group determination at any time during the 5-year period ending on November 1, 1987" is limited to nationals of Poland, Afghanistan, Ethiopia, and Uganda.

(10) "Public cash assistance" means income or need-based monetary assistance to include but not limited to supplemental security income, received by the alien or his or her immediate family members through federal, state, or local programs designed to meet subsistence levels. It does not include assistance in kind, such as food stamps, public housing, or other non-cash benefits, nor does it include work related compensation or certain types of medical assistance (Medicare, Medicaid, emergency treatment, services to pregnant women or children under 18 years of age, or treatment in the interest of public health).

(11) "Designated entity" means any state, local, church, community, farm labor organization, voluntary organization, association of agricultural employers or individual determined by the Service to be qualified to assist aliens in the preparation of applications for legalization status.

(12) "Through the passage of time" means through the expiration date of the nonimmigrant permission to remain in the United States, including any extensions and/or change of status.

(13) "Prima facie eligibility" means eligibility is established if the applicant presents a completed I–687 and specific factual information which in the absence of rebuttal will establish a claim of eligibility under this part.

(b) *Application for temporary residence*— (1) *Application for temporary residence.* (i) An alien who is a national of Poland, Uganda, Ethiopia, or Afghanistan who has resided continuously in the United States since prior to July 21, 1984, and who believes that he or she meets the eligibility requirements of section 245A of the Act must make application within the 21-month period beginning on March 21, 1988, and ending on December 22, 1989.

(ii) An alien who fails to file an application for adjustment of status to that of a temporary resident under § 245A.4 of this part during the time period, will be statutorily ineligible for such adjustment of status.

(2) *Eligibility* (i) The following categories of aliens who are not otherwise excludable under section 212(a) of the Act are eligible to apply for status to that of a person admitted for temporary residence:

(A) An alien who is a national of Poland, Uganda, Ethiopia, or Afghanistan, (other than an alien who entered as a nonimmigrant) who establishes that he or she entered the United States prior to July 21, 1984, and who has thereafter resided continuously in the United States, and who has been physically present in the United States from December 22, 1987, until the date of filing the application.

(B) An alien who is a national of Poland, Uganda, Ethiopia, or Afghanistan, and establishes that he or she entered the United States as a nonimmigrant prior to July 21, 1984, and whose period of authorized admission expired through the passage of time prior to January 21, 1985, and who has thereafter resided continuously in the United States, and who has been physically present in the United States from December 22, 1987, until the date of filing the application.

(C) An alien who is a national of Poland, Uganda, Ethiopia, or Afghanistan, and establishes that he or she entered the United States as a nonimmigrant prior to July 21, 1984, and who applied for asylum prior to July 21, 1984, and who has thereafter resided continuously in the United States, and who has been physically present in the United States from December 22, 1987, until the date of filing the application.

(D) An alien who is a national of Poland, Uganda, Ethiopia, or Afghanistan, who would otherwise be eligible for temporary resident status and who establishes that he or she resided continuously in the United States prior to July 21, 1984, and who subsequently reentered the United States as a nonimmigrant in order to return to an unrelinquished residence. An alien described in this paragraph must have received a waiver of 212(a)(19) as an alien who entered the United States by fraud.

(E) An alien who is a national of Poland, Uganda, Ethiopia, or Afghanistan, and was a nonimmigrant who entered the United States in the classification A, A–1, A–2, G, G–1, G–2, G–3, or G–4, for Duration of Status (D/S), and whose qualifying employment terminated or who ceased to be recognized by the Department of State

as being entitled to such classification prior to January 21, 1985, and who thereafter continued to reside in the United States.

(F) An alien who is a national of Poland, Uganda, Ethiopia, or Afghanistan, and who was a nonimmigrant who entered the United States as an F, F-1, or F-2 for Duration of Status (D/S), and who completed a full course of studies, including practical training (if any), and whose time period to depart the United States after completion of studies expired prior to January 21, 1985, and who has thereafter continued to reside in the United States. Those students placed in a "nunc pro tunc" retroactive student status which would otherwise preclude their eligibility for legalization under this section, must present evidence that they had otherwise terminated their status during the requisite time period. A dependent F-2 alien otherwise eligible who was admitted into the United States with a specific time period, as opposed to duration of status, documented on Service Form I-94, Arrival-Departure Record that extended beyond July 21, 1984 is considered eligible if the principal F-1 alien is found eligible.

(3) *Ineligible aliens.* (i) An alien who has been convicted of a felony, or three or more misdemeanors.

(ii) An alien who has assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion.

(iii) An alien excludable under the provisions of section 212(a) of the Act whose grounds of excludability may not be waived.

(4) *Documentation.* Evidence to support an alien's eligibility for temporary residence status shall include documents establishing proof of identity, proof of nationality, proof of residence, and proof of financial responsibility, as well as photographs, a completed fingerprint card (Form FD-258), and a completed medical report of examination (Form I-693). All documentation submitted will be subject to Service verification. Applications submitted with unverifiable documentation may be denied. Failure by an applicant to authorize release to INS of information protected by the Privacy Act and/or related laws in order for INS to adjudicate a claim may result in denial of the benefit sought. Acceptable supporting documents for the four categories of documentation are discussed as follows:

(i) *Proof of identity.* Evidence to establish identity is listed below in descending order of preference:

(A) Passport;

(B) Birth certificate;

(C) Any national identity document from the alien's country of origin bearing photo and fingerprint;

(D) Driver's license or similar document issued by a state if it contains a photo;

(E) Baptismal Record/Marriage Certificate; or

(F) Affidavits.

(ii) *Proof of nationality.* Evidence to establish nationality is listed as follows:

(A) Passport;

(B) Birth certificate;

(C) Any national identity document from the alien's country of origin bearing photo and fingerprint;

(D) Other credible documents, including those created by, or in the possession of the INS, or any other documents (excluding affidavits) that, when taken singly, or together as a whole, establish the alien's nationality.

(iii) *Assumed names*—(A) *General.* In cases where an applicant claims to have met any of the eligibility criteria under an assumed name, the applicant has the burden of proving that the applicant was in fact the person who used that name. The applicant's true identity is established pursuant to the requirements of paragraph (b)(4) (i) and (ii) of this section. The assumed name must appear in the documentation provided by the applicant to establish eligibility. To meet the requirement of this paragraph, documentation must be submitted to prove the common identity, i.e., that the assumed name was in fact used by the applicant.

(B) *Proof of common identity.* The most persuasive evidence is a document issued in the assumed name which identifies the applicant by photograph, fingerprint, or detailed physical description. Other evidence which will be considered are affidavit(s) by a person or persons other than the applicant, made under oath, which identify the affiant by name and address, state the affiant's relationship to the applicant and the basis of the affiant's knowledge of the applicant's use of the assumed name. Affidavits accompanied by a photograph which has been identified by the affiant as the individual known to the affiant under the assumed name in question will carry greater weight.

(iv) *Proof of residence.*—Evidence to establish proof of continuous residence in the United States during the requisite period of time may consist of any combination of the following:

(A) Past employment records, which may consist of pay stubs, W-2 Forms, certification of the filing of Federal income tax returns on IRS Form 6166, a state verification of the filing of state income tax returns, letters from employer(s) or, if the applicant has been in business for himself or herself, letters from banks and other firms with whom he or she has done business. In all of the above, the name of the alien and the name of the employer or other interested organizations must appear on the form or letter, as well as relevant dates. Letters from employers should be on employer letterhead stationery, if the employer has such stationery, and must include:

(*1*) Alien's address at the time of employment;

(*2*) Exact period of employment;

(*3*) Periods of layoff;

(*4*) Duties with the company;

(*5*) Whether or not the information was taken from official company records; and

(*6*) Where records are located, whether the Service may have access to the records.

If the records are unavailable, an affidavit form letter stating that the alien's employment records are unavailable and why such records are unavailable may be accepted in lieu of paragraphs (b)(4)(iv)(A) (*5*) and (*6*) of this section. This affidavit form letter shall be signed, attested to by the employer under penalty of perjury, and shall state the employer's willingness to come forward and give testimony if requested.

(B) Utility bills (gas, electric, phone, etc.) receipts, or letters from companies showing the dates during which the applicant received service are acceptable documentation.

(C) School records (letters, report cards, etc.) from the schools that the applicant or his or her children have attended in the United States must show the name of school and periods of school attendance.

(D) Hospital or medical records showing treatment or hospitalization of the applicant or his or her children must show the name of the medical facility or physician and the date(s) of the treatment or hospitalization.

(E) Attestations by churches, unions, or other organizations as to the applicant's residence by letter which:

(*1*) Identify applicant by name;

(*2*) Are signed by an official (whose title is shown);

(*3*) Show inclusive dates of membership;

(*4*) State the address where applicant resided during membership period;

(*5*) Include the seal of the organization impressed on the letter or the letterhead of the organization, if the organization has letterhead stationery;

(6) Establish how the author knows the applicant; and

(7) Establish the origin of the information being attested to.

(F) Additional documents to support the applicant's claim may include:

(1) Money order receipts for money sent into or out of the country;

(2) Passport entries;

(3) Birth certificates of children born in the United States;

(4) Bank books with dated transactions;

(5) Letters or correspondence between applicant and other person or organization;

(6) Social Security card;

(7) Selective Service card;

(8) Automobile license receipts, title, vehicle registration, etc.;

(9) Deeds, mortgages, contracts to which applicant has been a party;

(10) Tax receipts;

(11) Insurance policies, receipts, or letters; and

(12) Any other relevant document.

(v) *Proof of financial responsibility.* An applicant for adjustment to temporary resident status under this part is subject to the provisions of section 212(a)(15) of the Act relating to excludability of aliens likely to become public charges unless the applicant demonstrates a history of employment in the United States evidencing self-support without receipt of public cash assistance. The burden of proof to demonstrate the inapplicability of section 212(a)(15) of the Act lies with the applicant who may provide:

(A) Evidence of a history of employment (i.e., employment letter, W-2 forms, income tax returns, etc.);

(B) Evidence that he/she is self-supporting (i.e., bank statements, stocks, other assets, etc.); or

(C) Form I-134, Affidavit of Support, completed by a spouse on behalf of the applicant and/or children of the applicant or a parent in behalf of children which guarantees complete or partial financial support. Acceptance of the Affidavit of Support shall be extended to other family members in unusual family circumstances.

Generally, the evidence of employment submitted under paragraph (b)(4)(iv)(A) of this section will serve to demonstrate the alien's financial responsibility during the documented period(s) of employment. If the alien's period(s) of residence in the United States include significant gaps in employment or if there is reason to believe that the alien may have received public assistance while employed, the alien may be required to provide proof that he or she has not received public cash assistance. An applicant for residence who is likely to become a public charge will be denied adjustment.

(vi) *Burden of proof.* An alien applying for adjustment of status under this part has the burden of proving by a preponderance of the evidence that he or she has resided in the United States for the requisite periods, is admissible to the United States under the provisions of section 245A of the Act, and is otherwise eligible for adjustment of status under this section. The inference to be drawn from the documentation provided shall depend on the extent of the documentation, its credibility and amenability to verification.

(vii) *Evidence.* The sufficiency of all evidence produced by the applicant will be judged according to its probative value and credibility. To meet his or her burden of proof, an applicant must provide evidence of eligibility apart from his or her own testimony. In judging the probative value and credibility of the evidence submitted, greater weight will be given to the submission of original documentation.

(5) *Filing of application.* (i) The application must be filed on Form I-687 at an office of a designated entity or at a Service office within the jurisdiction of the district where the applicant resides. If the application is filed with a designated entity, the alien must have consented to having the designated entity forward the application to the Service office. In the case of applications filed at a Service office, the district director may, at his or her discretion:

(A) Require the applicant to file the application in person; or

(B) Require the applicant to file the application by mail; or

(C) Permit the filing of applications whether by mail or in person.

The applicant must appear for a personal interview at the Service office as scheduled. If the applicant is 14 years of age or older, the application must be accompanied by a completed Form FD-258 (Applicant Card).

(ii) At the time of the interview, whenever possible, original documents must be submitted except the following: Official government records; employment or employment-related records maintained by employers, union, or collective bargaining organizations; medical records; school records maintained by a school or school board; or other records maintained by a party other than the applicant. Copies of records maintained by parties other than the applicant which are submitted in evidence must be certified as true and correct by such parties and must bear their seal or signature or the signature and title of persons authorized to act in their behalf. If at the time of the interview the return of the original document is desired by the applicant, the document must be accompanied by notarized copies or copies certified true and correct by a qualified designated entity or by the alien's representative in the format prescribed in § 204.2(j) (1) or (2) of this chapter. At the discretion of the district director, original documents, even if accompanied by certified copies, may be temporarily retained for forensic examination by the Document Analysis Unit at the Regional Processing Facility having jurisdiction over the Service office to which the documents were submitted.

(iii) A separate application (I-687) must be filed by each eligible applicant. All fees required by § 103.7(b)(1) of this chapter must be submitted in the exact amount in the form of a money order, cashier's check, or certified bank check, made payable to the Immigration and Naturalization Service. No personal checks or currency will be accepted. Fees will not be waived or refunded under any circumstances.

(6) *Filing date of application.* The date the alien submits a completed application to a Service office or designated entity shall be considered the filing date of the application, provided that in the case of an application filed at a designated entity the alien has consented to having the designated entity forward the application to the Service office having jurisdiction over the location of the alien's residence. Designated entities are required to forward completed applications to the appropriate Service office within 60 days of receipt.

(7) *Selective Service registration.* At the time of filing an application under this section, male applicants over the age of 17 and under the age of 26, are required to be registered under the Military Selective Service Act. An applicant shall present evidence that he has previously registered under that Act in the form of a letter of acknowledgement from the Selective Service System, or such alien shall present a completed and signed Form SSS-1 at the time of filing Form I-687 with the Immigration and Naturalization Service or a designated entity. Form SSS-1 will be forwarded to the Selective Service System by the Service.

(8) *Continuous residence.* (i) For the purpose of this Act, an applicant for temporary residence status shall be regarded as having resided continuously in the United States if, at the time of filing of the application:

(A) No single absence from the United States has exceeded 45 days, and the aggregate of all absences has not exceeded 180 days between July 2l, 1984, through the date the application for temporary resident status is filed, unless the alien can establish that due to emergent reasons, his or her return to the United States could not be accomplished within the time period allowed;

(B) The alien was maintaining a residence in the United States; and

(C) The alien's departure from the United States was not based on an order of deportation.

(ii) An alien who has been absent from the United States in accordance with the Service's advance parole procedures shall not be considered as having interrupted his or her continuous residence as required at the time of filing an application under this section.

(9) *Medical examination.* (i) An applicant under this part shall be required to submit to an examination by a designated civil surgeon at no expense to the government. The designated civil surgeon shall report on the findings of the mental and physical condition of the applicant and the determination of the alien's immunization status on Form I–693, "Medical Examination of Aliens Seeking Adjustment of Status, (Pub. L. 99–603)". Results of the medical examination must be presented to the Service at the time of interview and shall be incorporated into the record. Any applicant certified under paragraphs (1), (2), (3), (4) or (5) of section 212(a) of the Act may appeal to a Board of Medical Officers of the U.S. Public Health Service as provided in section 234 of the Act and Part 235 of this chapter.

(ii) All applicants who file for temporary resident status are required to include the results of a serological test for the HIV virus on the I–693. All HIV-positive applicants shall be advised that a waiver is available and shall be provided with the opportunity to apply for a waiver.

(10) *Interview.* Each applicant, regardless of age, must appear at the appropriate Service office and must be fingerprinted for the purpose of issuance of Forms I–688A and I–688. Each applicant shall be interviewed by an immigration officer, except that the interview may be waived for a child under 14 years of age, or when it is impractical because of the health or advanced age of the applicant.

(11) *Applicability of exclusion grounds.* (i) *Grounds of exclusion not to be applied.* Paragraphs (14), (workers entering without labor certification); (20), (immigrants not in possession of a valid entry document); (21), (visas issued without compliance with section 203); (25), (illiterates); and (32) (graduates of non-accredited medical schools) of section 212(a) of the Act shall not apply to applicants for temporary resident status.

(ii) *Waiver of grounds of exclusion.* Except as provided in paragraph (b)(11)(iii) of this section, the Attorney General may waive any other provision of section 212(a) of the Act only in the case of individual aliens for humanitarian purposes, to assure family unity, or when the granting of such a waiver is in the public interest. If an alien is excludable on grounds which may be waived as set forth in this paragraph, he or she shall be advised of the procedures for applying for a waiver of grounds of excludability on Form I–690. When an application for waiver of grounds of excludability is filed jointly with an application for temporary residence under this section, it shall be accepted for processing at the Service office. If an application for waiver of grounds of excludability is submitted after the alien's preliminary interview at the Service office, it shall be forwarded to the appropriate Regional Processing Facility. All applications for waivers of grounds of excludability must be accompanied by the correct fee in the exact amount. All fees for applications filed in the United States must be in the form of a money order, cashier's check, or bank check. No personal checks or currency will be accepted. Fees will not be waived or refunded under any circumstances. An application for waiver of grounds of excludability under this part shall be approved or denied by the director of the Regional Processing Facility in whose jurisdiction the alien's application for adjustment of status was filed except that in cases involving clear statutory ineligibility or fraud, such application may be denied by the district director in whose jurisdiction the application is filed, and in cases returned to a Service office for re-interview, such application may be approved at the discretion of the district director. The applicant shall be notified of the decision and, if the application is denied, of the reason therefore. Appeal from an adverse decision under this part may be taken by the applicant on Form I–694 within 30 days after the service of the notice only to the Service's Administrative Appeals Unit pursuant to the provisions of section 103.3(a) of this chapter.

(iii) *Grounds of exclusion that may not be waived.* Notwithstanding any other provision of the Act, the following provisions of section 212(a) may not be waived by the Attorney General under paragraph (b)(11)(ii) of this section:

(A) Paragraphs (9) and (10) (criminals);

(B) Paragraph (23) (narcotics) except for a single offense of simple possession of thirty grams or less of marijuana;

(C) Paragraphs (27) (prejudicial to the public interest), (28) (communist), and (29) (subversive);

(D) Paragraph (33) (participated in Nazi persecution).

(iv) *Determination of "Likely to become a public charge" and the special rule.* (A) Prior to use of the special rule for determination of public charge, an alien must first be determined to be excludable under section 212(a)(15) of the Act. If the applicant is determined to be "likely to become a public charge," he or she may still be admissible under the terms of the Special Rule.

(B) In determining whether an alien is "likely to become a public charge," financial responsibility of the alien is to be established by examining the totality of the alien's circumstances at the time of his or her application for legalization. The existence or absence of a particular factor should never be the sole criterion for determining if an alien is likely to become a public charge. The determination of financial responsibility should be a prospective evaluation based on the alien's age, health, income and vocation.

(C) An alien who has a consistent employment history which shows the ability to support himself or herself and his or her family, even though his or her income may be below the poverty level, may be admissible under this section. The alien's employment history need not be continuous in that it is uninterrupted. It should be continuous in the sense that the alien shall be regularly attached to the workforce, has an income over a substantial period of the applicable time, and has demonstrated the capacity to exist on his or her income and maintain his or her family without recourse to public cash assistance. The Special Rule is prospective in that the Service shall determine, based on the alien's history, whether he or she is likely to become a public charge. Past acceptance of public cash assistance within a history of consistent employment will enter into this decision. The weight given in considering applicability of the public charge provisions will depend on many factors, but the length of time an applicant has received public cash assistance will constitute a significant factor. It is not necessary to file a waiver in order to apply the Special Rule for Determination of Public Charge.

(v) *Public assistance and criminal history verification.* Declarations by an applicant that he or she has not been the recipient of public cash assistance and/or has not had a criminal record are subject to a verification of facts by the Service. The applicant must agree to fully cooperate in the verification process. Failure to assist the Service in verifying information necessary for the adjudication of the application may result in a denial of the application.

(12) *Continuous physical presence since December 22, 1987.* (i) An alien applying for adjustment to temporary resident status must establish that he or she has been continuously physically present in the United States since December 22, 1987. Aliens who were outside of the United States on the date of enactment or departed the United States after enactment may apply for legalization if they reentered prior to March 21, 1988, and meet the continuous residence requirements and are otherwise eligible for legalization.

(ii) A brief, casual and innocent absence means a departure authorized by the Service (advance parole) subsequent to March 21, 1988, of not more than thirty (30) days for legitimate emergency or humanitarian purposes unless a further period of authorized departure has been granted in the discretion of the district director or a departure was beyond the alien's control.

(13) *Departure.* (i) During the time period from the date that an alien's application establishing prima facie eligibility for temporary resident status is reviewed at a Service office and the date status as a temporary resident is granted, the alien applicant can be readmitted to the United States provided his or her departure was authorized under the Service's advance parole provisions contained in § 212.5(e) of this chapter.

(ii) An alien whose application for temporary resident status has been approved may be admitted to the United States upon return as a returning temporary resident provided he or she:

(A) Is not under deportation proceedings, such proceedings having been instituted subsequent to the approval of temporary resident status. A temporary resident alien will not be considered deported if that alien departs the United States while under an outstanding order of deportation issued prior to the approval of temporary resident status;

(B) Has not been absent from the United States for more than 30 days on the date application for admission is made;

(C) Has not been absent from the United States for an aggregate period of more than 90 days since the date the alien was granted lawful temporary resident status;

(D) Presents Form I–688;

(E) Presents himself or herself for inspection; and

(F) Is otherwise admissible.

(iii) The periods of time in paragraphs (b)(13)(ii) (B) and (C) of this section may be waived at the discretion of the Attorney General in cases where the absence from the United States was due merely to a brief and casual trip abroad due to emergent or extenuating circumstances beyond the alien's control.

(14) *Employment and travel authorization.*—(i) *General.* Authorization for employment and travel abroad for temporary resident status applicants under this section may be granted only by a Service office. INS district directors will determine the Service location for the completion of processing travel documentation. In the case of an application which has been filed with a designated entity, employment authorization may be granted by the Service only after the application has been properly received at the Service office.

(ii) *Employment and travel authorization prior to the granting of temporary resident status.* (A) Permission to travel abroad and accept employment may be granted to the applicant after an interview has been conducted in connection with an application establishing prima facie eligibility for temporary resident status. Permission to travel abroad may be granted in emergent circumstances in accordance with the Service's advance parole provisions contained in § 212.5(e) of this chapter after an interview has been conducted in connection with an application establishing prima facie eligibility for temporary resident status.

(B) If an appointment cannot be scheduled within 30 days, authorization to accept employment will be granted, valid until the scheduled appointment date. The appointment letter will be endorsed with the temporary employment authorization. Form I–688A, Employment Authorization, will be given to the applicant after an interview has been completed by an immigration officer unless a formal denial is issued by a Service office. This temporary employment authorization will be restricted to six-months duration, pending final determination on the application for temporary resident status.

(iii) *Employment and travel authorization upon grant of temporary resident status.* Upon grant of an application for adjustment to temporary resident status by a Regional Processing Facility, the processing facility will forward a notice of approval to the alien at his or her last known address, or to his or her legal representative. The alien will be required to return to the Service office where the application was initially received, surrender the I–688A previously issued, and obtain Form I–688, Temporary Resident Card, authorizing employment and travel abroad.

(iv) *Revocation of employment authorization upon denial of temporary resident status.* Upon denial of an application for adjustment to temporary resident status, the alien will be notified that if a timely appeal is not submitted, employment authorization shall be automatically revoked on the final day of the appeal period. An applicant whose appeal period has ended is no longer considered to be an Eligible Legalized Alien for the purposes of the administration of State Legalization Impact Assistance Grants (SLIAG) funding.

(15) *Decision.* The applicant shall be notified in writing of the decision. If the application is denied, the reason(s) for the decision shall be provided to the applicant. An appeal from an adverse decision under this part may be taken by the applicant on Form I–694.

(16) *Appeal process.* An adverse decision under this part may be appealed to the Associate Commissioner, Examinations (Administrative Appeals Unit), the appellate authority designated in § 103.1(f)(2). Any appeal shall be submitted to the Regional Processing Facility (RPF) with the required fee within 30 days after service of the Notice of Denial in accordance with the procedures of § 103.3(a) of this chapter. An appeal received after the 30-day period will not be accepted. The 30-day period for submission of an appeal begins three days after the Notice of Denial is mailed as provided in § 103.5a(b) of this Act. If a review of the Record of Proceeding (ROP) is requested by the alien or his or her legal representative and an appeal has been properly filed, an additional 30 days will be allowed for this review beginning at the time the ROP is mailed. A brief may be submitted with the appeal form or submitted up to 30 calendar days from the date of receipt of the appeal form at the RPF. Briefs filed after submission of the appeal should be mailed directly to the RPF. For good cause shown, the time within which a brief supporting an appeal may be submitted may be

extended by the Director of the Regional Processing Facility.

(17) *Motions.* The Regional Processing Facility director may *sua sponte* reopen and reconsider any adverse decision. When an appeal to the Associate Commissioner, Examinations (Administrative Appeals Unit) has been filed, the INS director of the Regional Processing Facility may issue a new decision granting the benefit which has been requested. The director's new decision must be served on the appealing party within 45 days of receipt of any briefs and/or new evidence, or upon expiration of the time allowed for the submission of any briefs. Motions to reopen a proceeding or reconsider a decision shall not be considered under this part.

(18) *Certifications.* The Regional Processing Facility director may, in accordance with § 103.4 of this chapter, certify a decision to the Associate Commissioner, Examinations (Administrative Appeals Unit) when the case involves an unusually complex or novel question of law or fact. The decision on an appealed case subsequently remanded to the Regional Processing Facility director will be certified to the Administrative Appeals Unit.

(19) *Date of adjustment to temporary residence.* The status of an alien whose application for temporary resident status is approved shall be adjusted to that of a lawful temporary resident as of the date indicated on the application fee receipt issued at the Service office.

(20) *Termination of temporary resident status.*—(i) *Termination of temporary resident status (General).* The status of an alien lawfully admitted for temporary residence under § 245a.4 of this part may be terminated at any time. It is not necessary that a final order of deportation be entered in order to terminate temporary resident status. The temporary resident status may be terminated upon the occurrence of any of the following:

(A) It is determined that the alien was ineligible for temporary residence under § 245a.4 of this part;

(B) The alien commits an act which renders him or her inadmissible as an immigrant unless a waiver is obtained, as provided in this part;

(C) The alien is convicted of any felony, or three or more misdemeanors;

(D) The alien fails to file for adjustment of status from temporary resident to permanent resident within 31 months of the date he or she was granted status as a temporary resident.

(ii) *Procedure.* Termination of an alien's status will be made only on notice to the alien sent by certified mail directed to his or her last known address, and, if applicable, to his or her representative. The alien must be given an opportunity to offer evidence in opposition to the grounds alleged for termination of his or her status. Evidence in opposition must be submitted within 30 days after the service of the Notice of Intent to Terminate. If the alien's status is terminated, the director of the Regional Processing Facility shall notify the alien of the decision and the reason for the termination, and further notify the alien that any Service Form issued to the alien authorizing employment and/or travel abroad, or any Form I–688, Temporary Resident Card previously issued to the alien will be declared void by the director of the Regional Processing Facility within 30 days if no appeal of the termination decision is filed within that period. The alien may appeal the decision to the Associate Commissioner, Examinations (Administrative Appeals Unit). Any appeal along with the required fee, shall be filed with the Regional Processing Facility within 30 days after the service of the notice of termination. If no appeal is filed within that period, the official Service document shall be deemed void, and must be surrendered without delay to an immigration officer or to the issuing office of the Service.

(iii) *Termination not construed as rescission under section 246.* For the purposes of this part the phrase "termination of status" of an alien granted lawful temporary residence under this section shall not be construed to necessitate a rescission of status as described in section 246 of the Act, and the proceedings required by the regulations issued thereunder shall not apply.

(iv) *Return to unlawful status after termination.* Termination of the status of any alien previously adjusted to lawful temporary residence shall act to return such alien to the status held prior to the adjustment, and render him or her amenable to exclusion or deportation proceedings under sections 236 or 242 of the Act, as appropriate.

(21) *Ineligibility for immigration benefits.* An alien whose status is adjusted to that of a lawful temporary resident under § 245a.4 of this part is not entitled to submit a petition pursuant to section 203(a)(2), nor is such alien entitled to any other benefit or consideration accorded under the Act to aliens lawfully admitted for permanent residence.

(22) *Declaration of intending citizen.* An alien who has been granted the status of temporary resident under § 245a.4 of this part may assert a claim of discrimination on the basis of citizenship status under section 274B of the Act only if he or she has previously filed Form I–772 (Declaration of Intending Citizen) after being granted such status. The Declaration of Intending Citizen is not required as a basis for filing a petition for naturalization; nor shall it be regarded as a right to United States citizenship; nor shall it be regarded as evidence of a person's status as a resident.

(23) *Limitation on access to information and confidentiality.* (i) No person other than a sworn officer or employee of the Department of Justice or bureau or agency thereof, will be permitted to examine individual applications. For purposes of this part, any individual employed under contract by the Service to work in connection with the Legalization Program shall be considered an "employee of the Department of Justice or bureau or agency thereof."

(ii) No information furnished pursuant to an application for temporary or permanent resident status under this section shall be used for any purpose except:

(A) To make a determination on the application; or,

(B) for the enforcement of the provisions encompassed in section 245A(c)(6) of the Act, except as provided in paragraph (b)(23)(iii) of this section.

(iii) If a determination is made by the Service that the alien has, in connection with his or her application, engaged in fraud or willful misrepresentation or concealment of a material fact, knowingly provided a false writing or document in making his or her application, knowingly made a false statement or representation, or engaged in any other activity prohibited by section 245A(c)(6) of the Act, the Service shall refer the matter to the United States Attorney for prosecution of the alien or of any person who created or supplied a false writing or document for use in an application for adjustment of status under this part.

(iv) Information contained in granted legalization files may be used by the Service at a later date to make a decision on an immigrant visa petition (or other status petition) filed by the applicant under section 204(a), or for naturalization applications submitted by the applicant.

(c) *Application for adjustment from temporary to permanent resident status.*—(1) *Application period for permanent residence.* An alien who has resided in the United States for a period of 18 months after the granting of temporary resident status may make

application for permanent resident status during the 12-month period beginning on the day after the requisite 18 months of temporary residence has been completed. Applications for lawful permanent residence will be accepted at Service offices beginning on September 21, 1989.

(2) *The provisions of § 245a.3 of this part.* The provisions of this part shall be applied to aliens adjusting to permanent residence under this part.

Dated: January 18, 1989.

Richard E. Norton,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 89-3229 Filed 2-10-89; 8:45 am]

BILLING CODE 4410-10-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

Delegation of Authority To Conduct Program Activities in Field Offices; Portfolio Management

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This final rule revises 13 CFR Part 101, § 101.3-2, Part IV, Section A-2e.(4), to provide a delegation of authority to supervisory loan specialists in the commercial loan servicing center. No delegation exists because creation of the servicing center was just approved in September 1988.

EFFECTIVE DATE: February 13, 1989.

FOR FURTHER INFORMATION CONTACT: Fred Hanus, Office of Portfolio Management, Small Business Administration, 1441 L Street NW., Washington, DC 20416, telephone (202) 653-7479.

SUPPLEMENTARY INFORMATION: Part 101 consists of rules relating to the Agency's organization, management and procedures; therefore, notice of proposed rulemaking, public participation and reviews under Executive Order 12291 or the Regulatory Flexibility Act, 5 U.S.C. 501, *et seq.*, are not required and this amendment is adopted without resort to those procedures. This final rule does not contain recordkeeping requirements subject to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

List of Subjects in 13 CFR Part 101

Authority delegations (Government agencies), Administrative practice and procedure, Organization and functions (Government agencies).

PART 101—[AMENDED]

1. The authority citations for 13 CFR Part 101 continues to read as follows:

Authority: Secs. 4 and 5, Pub. L. 85-536, 72 Stat. 384 and 385 (15 U.S.C. 633 and 634, as amended); Sec. 308, Pub. L. 85-699, 72 Stat. 694 (15 U.S.C. 687, as amended); Sec. 5(b)(11), Pub. L. 93-386 and 5 U.S.C. 552.

§ 101.3-2 [Amended]

In 13 CFR 101.3-2, Part IV, Section A-2e.(4) is revised to read as follows:

§ 101.3-2 Delegation of authority to conduct program activities in field offices.

* * * * *

Part IV—Portfolio Management (PM) Program

Section A * * *

2. * * *

e. * * *

(4) Supervisory loan specialist, disaster home loan servicing centers and commercial loan servicing centers.

* * * * *

Date: January 6, 1989.

James Abdnor,

Administrator.

[FR Doc. 89-3322 Filed 2-10-89; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 88-ASW-56; Amdt. 39-6131]

Airworthiness Directives; Sikorsky Aircraft Model S-61N and S-61NM Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires periodic inspections for cracks in the main landing gear (large sponson) truss assemblies; a one-time hardness test of the butt-welded lug of sponson truss components to determine if the hardness is within an approved range; and replacement of the components, as necessary on Sikorsky Model S-61N and S-61NM series helicopters. This AD is needed to prevent failure of certain sponson truss tubes which could result in collapse of the landing gear and possible loss of the helicopter.

DATE: *Effective Date:* February 24, 1989.

Compliance: As indicated in the body of the AD.

ADDRESSES: The applicable service bulletin may be obtained from Sikorsky Aircraft, 600 Main Street, Stratford, Connecticut 06601-1381, or may be examined in the Regional Rules Docket, Office of the Assistant Chief Counsel, FAA, 4400 Blue Mound Road, Bldg. 3B, Room 158, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Richard B. Noll, Boston Aircraft Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273-7111.

SUPPLEMENTARY INFORMATION: The FAA has determined that Sikorsky Aircraft Model S-61N and S-61NM helicopters equipped with sponson truss tube assemblies need mandatory inspections for possible fatigue cracks and more frequent inspections or replacement of certain truss components which have butt-welded lugs with improper hardness. Failure of a sponson truss assembly due to a fatigue crack or improper hardness of a lug could result in collapse of the landing gear and possible loss of the helicopter.

Since this condition is likely to exist or develop on other helicopters of the same design, an AD is being issued which requires a one-time inspection for proper hardness of components with butt-welded lugs and replacement of certain of those low hardness components before further flight on Sikorsky Model S-61N and S-61NM series helicopters. Those components with hardness values within certain specified ranges must be removed from service not later than June 30, 1989. In addition, an initial and repetitive inspection is required on other truss components for fatigue cracks as prescribed in the AD. FAA approval of the inspection intervals for the truss components described in the AD is based on a fatigue analysis and safety considerations.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days from publication.

The regulations adopted herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications

to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained from the Regional Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983), and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding the following new AD:

Sikorsky Aircraft: Applies to Model S-61N and S-61NM helicopters certificated in any category. (AD Docket No. 88-ASW-56).

Compliance is required as indicated, unless already accomplished.

To preclude possible fracture of the sponson truss assembly components, accomplish the following:

(a) Within the next 50 hours' time in service after the effective date of this AD, conduct a hardness test of each butt-welded lug of sponson truss tube assemblies, part numbers (P/N) S6125-51212-4, aft lower truss tube assembly—left side; S6125-51212-5, aft lower truss tube assembly—right side; S6125-51214-3, forward upper truss tube assembly—left and right side; and S6125-51214-4, aft upper truss tube assembly—left and right side, as follows:

(1) Remove paint from lugs using a clean cloth dampened with suitable paint remover such as Kelite L-46, Richardson Chemical Company, Dubois R-2633, Dubois Chemical Company, or FAA-approved equivalent.

(2) Rinse lugs with fresh water and wipe dry.

(3) Using a portable calibrated Rockwell hardness tester such as Wilson Model M-51, or FAA-approved equivalent, conduct a hardness test on any exposed area of the lug that is inboard of the edge and away from the weld, using the Rockwell C-scale. Repeat the test three times. Maintain a distance of at least three penetration diameters between tester indentations.

Note.—Removal of the truss component from the helicopter for the hardness test is not required; however, removal is recommended to improve consistency of hardness readings obtained.

(4) If the variation of hardness readings exceeds a three-point spread on the Rockwell C-scale, repeat the test until any three readings have a variation within a three-point spread.

(5) Determine the average of these three readings and mark the average value of three Rockwell C-scale hardness readings on the welded lug to indicate the test has been done. Use a vibro-peen pencil or equivalent FAA-approved marking method.

(6) Dispose of the components as follows:

(i) If the lug average hardness is less than Rockwell C34, replace the component with a serviceable part before further flight.

(ii) If the lug average hardness is in the proper range, Rockwell C39 to C43, the component is serviceable provided the component is inspected for cracks in accordance with the requirements of paragraph (b) of this AD.

(iii) If the lug average hardness is a range of Rockwell C34 to less than C39 or above C43, the part is serviceable provided the component is inspected for cracks as prescribed in paragraphs (b) (1) through (9) of this AD at intervals not to exceed 500 landings and removed from service not later than June 30, 1989.

(7) Repaint cleared areas with primer coating and paint, and reinstall jacking pad if removed for lug inspection.

Note.—Sikorsky Aircraft Alert Service Bulletin No. 61B25-15, Part IIA, pertains to the hardness test required by this AD.

(b) Within the next 50 hours' times in service after the effective date of this AD, and thereafter at intervals not to exceed those landing intervals stated in Table 1, inspect the sponson truss tube assemblies for cracks in the locations noted in the table as follows:

TABLE 1.—INSPECTION SCHEDULE AND AREAS

[Paragraph (b)]

Inspection interval, Number of landings	Sponson tube truss assembly P/N	Inspection locations
500	S6125-51212-1, 61250-51233-041	Inboard & outboard tube-to-fitting welds and clevis.
		Two welded manufacturing holes.
	S6125-51212-4, -5, S6125-51214-3, -4, 61250-51233-042, -043, 61250-51235-041, -042.	Inboard & outboard tube-to-fitting welds.
		Two welded manufacturing holes.
	S6125-51213-1, -041	Inboard tube-to-fitting weld.
		Outboard clevis.
		Welded manufacturing hole.
	61250-51234-041	Inboard tube-to-fitting weld.
		Welded manufacturing hole.
2500	S6125-51212-4, -5,	Lug-to-fitting weld.
	S6125-51214-3, -4	Lug hole.
	61250-51233-042, -043,	Lug hole.
	61250-51235-041, -042	
	61250-51234-041	Clevis and lug hole.

(1) Raise the helicopter using jacks to unload the trusses.

Note.—Jacking is described in Sikorsky Maintenance Manual, SA 4045-80, Section 7-2-0.

(2) Remove the left and right upper and lower truss tube assemblies, and diagonal brace assemblies from the helicopter sponsons.

Note.—Sponson removal is described in Sikorsky Maintenance Manual, SA 4045-80, Section 32-10-1.

(3) Remove paint from lugs, fittings, and welded manufacturing holes indicated in

Table 1 using a clean cloth dampened with suitable paint remover (ref. paragraph (a)(1)), or FAA-approved equivalent. Rinse with fresh water and dry.

(4) Inspect the cleaned areas identified in Table 1, using a fluorescent penetrant or equivalent inspection method.

(5) If cracks are found, replace the component with a serviceable part prior to further flight.

(6) If no cracks are found, repaint cleared areas with suitable primer coating and paint.

(7) Reassemble and install the sponson.

(8) Seal pockets, joints, rivets, bolts, nuts, and inspection holes of all tube and brace assemblies with brush-type sealing compound such as PR–1440, Class A, Products Research and Chemical Corporation, or Pro-Seal 890, Class A, Essex Chemical Co., or FAA-approved equivalent, after reassembly of landing gear.

(9) Remove jacks.

Note.—Sikorsky Alert Service Bulletin No. 61B25–15, Part III A (3), (4), (6), (7), (8), and (9) pertains to the inspections required by this AD.

(c) An alternate method of compliance or adjustment of the compliance schedule which provides an equivalent level of safety may be used if approved by the Manager, Boston Aircraft Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803, telephone (617) 273–7118. Substantiating data compiled by an owner or operator must be submitted through the cognizant FAA aviation safety inspector to support and recommend the request for compliance time adjustment.

This amendment becomes effective February 24, 1989.

Issued in Fort Worth, Texas, on January 20, 1989.

L. B. Andriesen,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 89–3282 Filed 2–10–89; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 88–ANE–39; Amdt. 39–6109]

Airworthiness Directives; Facet Aerospace Products, Co. (Marvel Schebler) Carburetors

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) applicable to Facet Aerospace Products, Co. (hereinafter called "Facet") carburetor models MA–4–5, MA–5, and MA–6AA manufactured after April 1984. This AD requires replacement of the air metering stop pin, P/N 62–226, within the next 200 hours time in service, or when the carburetor is removed from the engine, whichever occurs first, in accordance with Facet Service Bulletin (SB) A1–88, dated August 1988. Also, a typographical error involving a serial number, which appeared in the NPRM, has been corrected.

This AD is needed to prevent a potential risk to the safety of flight, due to the possibility of the engine throttle becoming jammed inside the carburetor if the air metering stop pin becomes loose.

DATE: *Effective*—March 8, 1989.

Compliance—As required in the body of the AD.

Incorporation by Reference—Approved by the Director of the Federal Register as of March 8, 1989.

ADDRESSES: The applicable Facet SB may be obtained from Facet Aerospace Products, Co., 1048 Industrial Park Road, Bristol Virginia 24201.

A copy of the SB is contained in Rules Docket No. 88–ANE–39, Office of the Assistant Chief Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Pat Perrotta, Propulsion Branch, ANE–174, New York Aircraft Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581; telephone (516) 791–7421.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to adopt a new AD requiring replacement of the air metering stop pin, P/N 62–226, within the next 200 hours time in service, or when the carburetor is removed from the engine, whichever occurs first, in accordance with Facet Service Bulletin (SB) A1–88, dated August 1988, was published in the **Federal Register** on November 4, 1988, (53 FR 44612).

The proposal was prompted by two cases of the air metering stop pin coming loose, and in one case preventing the throttle from being advanced. A total of 189 available carburetors were inspected by Facet and twenty-three (23) units were found to be nonconforming; i.e., the retention fit of the pin to carburetor housing was below design requirements. This manufacturing deviation could be present in any of the subject model carburetors manufactured after April 1984, and these carburetors have been identified by specific serial numbers. Also, in the proposal the following typographical error was noticed and is hereby corrected: Serial Number BD–5–1000 should be BD–5–10000.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received and, consequently, except for the above correction, the proposal is adopted without change.

The FAA has determined that this condition of a loose air metering stop pin is likely to exist or develop on other Facet carburetors, Models MA–4–5, MA–5, and MA–6AA. Therefore, this AD will require replacement of the pin, P/N 62–226, with another pin, P/N 62–F1, in accordance with Facet SB A1–88, within the next 200 hours time in service, or when the carburetor is removed from the engine, whichever occurs first.

The regulations adopted herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

The FAA has determined that this regulation involves approximately 2,050 carburetors that must be modified at an approximate total cost of $400,000. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) amends Part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By adding to § 39.13 the following new airworthiness directive (AD):

Facet Aerospace Products, Co. (Marvel Schebler):

Applies to Facet Models MA–4–5, MA–5, and MA–6AA carburetors manufactured after April 1984, having Part Numbers (P/N) and Serial Numbers (S/N) as listed herein:

Carburetors	Serial Numbers
Model: MA–4–5:	
P/N 10–3878	G–54–11129 thru G–54–11136, G–55–11500 thru G–55–12064.
P/N 10–4164–1	K–49–9001 thru K–49–9023.
P/N 10–4404	R–48 11501 thru R–48–11721.
P/N 10–4404–1	R–45–11005 and R–45–11007, AO–45–11000 thru AO–45–11101.
P/N 10–5054	BZ–16–3000 thru BZ–22–3110.
P/N 10–5193	C–5–3500 thru C–5–3967.
P/N 10–4893	BD–5–10000.
P/N 10–4893–1	CL–4–3700 thru CL–7–3776.
P/N 10–5284	DV–0–500 thru DV–0–505, DV–1–1000 thru DV–1–1392
Model: MA–5:	
P/N 10–4865	BC–33–5001 thru BC–33–5005.
Model: MA–6AA:	
P/N 10–4218–1	AK–37–3002.
P/N 10–4401–1	AC–38 3278 thru AC–38–3298, AC–40–4001 thru AC–40–4021.
P/N 10–4438–1	AH–29–6000 thru AH–29–6009.

The carburetors listed above are used on, but not limited to:

Textron Lycoming Models O–360, O–540, VO–540, and TVO–435 series engines.

Teledyne Continental Model O–470 series engines.

Pezetel (Franklin) Model 6A–350 series engines.

Compliance is required within the next 200 hours time in service, or when the carburetor is removed from the engine, whichever occurs first, unless already accomplished.

To prevent possible jamming of the carburetor throttle, accomplish the following:

(a) Check all Facet (Marvel Schebler) Model MA–4–5, MA–5, and MA–6AA carburetors manufactured after April 1984 to determine the carburetor part number and serial number. These numbers can be found on the carburetor nameplate which is located on the throttle body.

Note.—When checking the carburetor serial number for comparison to the above listing, disregard the center number, as described in the service bulletin, since this is used for Facet internal blueprint control only.

(b) If the part number and serial number are listed above, remove the carburetor, disassemble it, and replace the air metering stop pin, P/N 62–226, with the air metering stop pin, P/N 62 F1, in accordance with the instructions given in Facet Service Bulletin A1–88, dated August 1988.

(c) Stamp or etch a "P" on the lower portion of the carburetor nameplate and make an engine logbook entry to indicate compliance. **Note.**—If the serial number is not one of those listed above, corrective action is not required.

(d) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

(e) Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, New York Aircraft Certification Office, ANE–170, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 181 South Franklin Avenue, Room 202, Valley Stream, New York 11581.

(f) Upon submission of substantiating data by an owner or operator through an FAA Airworthiness Inspector, the Manager, New York Aircraft Certification Office, ANE–170, may adjust the compliance time specified in this AD.

Facet Service Bulletin A1–88, dated August 1988, identified and described in this document, is incorporated herein and made a part hereof pursuant to 5 U.S.C. 551(a)(1). All persons affected by this directive, who have not already received this document from the manufacturer may obtain copies upon request to Facet Aerospace Products, Co., 1048 Industrial Park Road, Bristol, Virginia 24201. This document may also be examined at the Office of the Assistant Chief Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, Room 311, Docket No. 88–ANE–39, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

This amendment becomes effective on March 8, 1989.

Issued in Burlington, Massachusetts, on December 28, 1988.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 89–3283 Filed 2–10–89; 8:45 am]

BILLING CODE 4710–13–M

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14 CFR Part 97

[Docket No. 25792; Amdt. No. 1393]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: *Effective:* An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Paul J. Best, Flight Procedures Standards Branch (AFS–420), Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–8277.

SUPPLEMENTARY INFORMATION: This amendment to Part 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by

reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument, Incorporation by reference.

Issued in Washington, DC, on February 3, 1989.

Robert L. Goodrich,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 g.m.t. on the dates specified, as follows:

PART 97—[AMENDED]

1. The authority citation for Part 97 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421, and 1510; 49 U.S.C. 106(g) (revised, Pub. L. 97–449, January 12, 1983; and 14 CFR 11.49(b)(2)).

§ 97.23 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

** * * Effective April 6, 1989*

Enterprise, AL—Enterprise Muni, VOR RWY 5, Amdt. 2
Willimantic, CT—Windham, VOR–A, Amdt. 6
Columbus, GA—Columbus Metropolitan, VOR–A, Amdt. 22
Columbus, GA—Columbus Metropolitan, LOC BC RWY 23, Amdt. 13
Columbus, GA—Columbus Metropolitan, NDB RWY 5, Amdt. 27
Columbus, GA—Columbus Metropolitan, ILS RWY 5, Amdt. 22
St. Jacob, IL—Shafer Metro East, VOR–A, Amdt. 3
Abilene, KS—Abilene Muni, VOR/DME–A, Amdt. 1
Abilene, KS—Abilene Muni, RNAV RWY 35, Amdt. 1
Belleville, KS—Belleville Muni, NDB RWY 18, Amdt. 3
Belleville, KS—Belleville Muni, NDB RWY 36 Amdt. 3
Manhattan, KS—Manhattan Muni, VOR RWY 3, Amdt. 15
Manhattan, KS—Manhattan Muni, VOR–F, Amdt. 3
Manhattan, KS—Manhattan Muni, VOR–H, Amdt. 12
Manhattan, KS—Manhattan Muni, NDB–A, Amdt. 17
Manhattan, KS—Manhattan Muni, ILS RWY 3, Amdt. 4
Minneapolis, KS—Minneapolis City County, VOR/DME RWY 34, Orig
Minneapolis, KS—Minneapolis City County, VOR/DME RWY 34, Orig, CANCELLED
Salina, KS—Salina Muni, VOR RWY 17, Orig
Salina, KS—Salina Muni, VOR RWY 17, Amdt. 16, CANCELLED
Salina, KS—Salina Muni, NDB RWY 35, Amdt. l5
Salina, KS—Salina Muni, ILS RWY 35, Amdt. 18
Salina, KS—Salina Muni, RNAV RWY 17, Amdt. 9, CANCELLED
Salisbury, MD—Salisbury-Wicomico County Regional, VOR RWY 14 Amdt. 1
Reno, NV—Reno Cannon Intl, VOR–D, Amdt. 6
Syracuse, NY—Syracuse-Hancock Intl., ILS RWY 10, Amdt. 7
Maxton, NC—Laurinburg-Maxton, SDF RWY 5, Amdt. 4, CANCELLED
Maxton, NC—Laurinburg-Maxton, NDB RWY 5, Orig
Maxton, NC—Laurinburg-Maxton, NDB RWY 5, Amdt. 6, CANCELLED
Maxton, NC—Laurinburg-Maxton, ILS RWY 5, Orig
Newberry, SC—Newberry Muni, NDB RWY 22, Amdt. 3
Hondo, TX—Hondo Muni, NDB RWY 35R, Amdt. 2
Wheeler, TX—Wheeler Muni, VOR/DME–A, Orig

** * * Effective March 9, 1989*

Aspen, CO—Aspen-Pitkin Co/Sardy Field, VOR/DME–C, Amdt. 3
Denver, CO—Stapleton Intl, LDA/DME RWY 35R Amdt. 2, CANCELLED
Tallahassee, FL—Tallahassee Muni, VOR RWY 18, Amdt. 9
Tallahassee, FL—Tallahassee Muni, ILS RWY 27, Amdt. 3
Auburn/Lewiston, ME—Auburn/Lewiston Muni, NDB RWY 4, Amdt. 7
Auburn/Lewiston, ME—Auburn/Lewiston Muni, ILS RWY 4, Amdt. 6
Detroit/Grosse Ile, MI—Grosse Ile Muni, VOR–A, Amdt. 6
Detroit/Grosse Ile, MI—Grosse Ile Muni, NDB RWY 4, Amdt. 1
Great Falls, MT—Great Falls Intl, NDB RWY 34, Amdt. 16
Albany, NY—Albany County, VOR RWY 1, Amdt. 18
Albany, NY—Albany County, VOR/DME RWY 1, Amdt. 10
Albany, NY—Albany County, VOR RWY 19, Amdt. 19
Albany, NY—Albany County, VOR RWY 28, Amdt. 6

Albany, NY—Albany County, ILS RWY 1, Amdt. 7
Albany, NY—Albany County, ILS RWY 19, Amdt. 19
Albany, NY—Albany County, RADAR-1, Amdt. 15
Watertown, NY—Watertown New York Intl, ILS RWY 7, Amdt. 6
Goldsboro, NC—Goldsboro-Wayne Muni, VOR-A, Amdt. 4
Goldsboro, NC—Goldsboro-Wayne Muni, VOR-B, Amdt. 2, CANCELLED

* * * *Effective February 2, 1989*

Ontario, CA—Ontario Intl, ILS RWY 8L, Amdt. 6

* * * *Effective February 1, 1989*

Idaho Falls, ID—Fanning Field, LOC BC RWY 2, Amdt. 4
Idaho Falls, ID—Fanning Field, NDB RWY 20, Amdt. 9
Idaho Falls, ID—Fanning Field, ILS RWY 20, Amdt. 8

* * * *Effective January 31, 1989*

St. Louis MO—Lambert/St. Louis Intl, ILS RWY 12L, Amdt. 2

* * * *Effective January 19, 1989*

Enid, OK—Enid Woodring Muni, ILS RWY 35, Amdt. 1
Wilkes-Barre/Scranton, PA—Wilkes-Barre/Scranton Intl, NDB-A, Amdt. 16
Wilkes Barre/Scranton, PA—Wilkes-Barre/Scranton Intl, ILS RWY 4, Amdt. 33

* * * *Effective January 13, 1989*

Jefferson City, MO—Jefferson City Meml, ILS RWY 30, Amdt. 2

[FR Doc. 89-3284 Filed 2-10-89; 8:45 am]
BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 305

Rules for Using Energy Cost and Consumption Information Used in Labeling and Advertising of Consumer Appliances Under the Energy Policy and Conservation Act; Ranges of Comparability for Dishwashers

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission announces that the present ranges of comparability for dishwashers will remain in effect until new ranges are published.

Under the rule, each required label on a covered appliance must show a range, or scale, indicating the range of energy costs or efficiencies for all models of a size or capacity comparable to the labeled model. These ranges show the highest and lowest energy costs or efficiencies for the various size or capacity groupings of the appliances covered by the rule. The Commission publishes the ranges annually in the **Federal Register** if the upper or lower limits of the range change by 15% or more from the previously published range. If the Commission does not publish a revised range, it must publish a notice that the prior range will be applicable until new ranges are published. The ranges of estimated annual costs of operation for dishwashers have not changed by as much as 15% since the last publication. Therefore, the ranges published on November 17, 1983, remain in effect until new ranges are published.

EFFECTIVE DATE: February 10, 1989.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, 202-326-3035, or Ruth Sacks, Investigator, 202-326-3033, Division of Enforcement, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION: Section 324 of the Energy Policy and Conservation Act of 1975 (EPCA) [1] requires the Federal Trade Commission to consider labeling rules for the disclosure of estimated annual energy cost or alternative energy consumption information for at least thirteen categories of appliances. Dishwashers are included as one of the categories. Before these labeling requirements may be prescribed, the statute requires the Department of Energy ("DOE") to develop test procedures that measure how much energy the appliances use. In addition, DOE is required to determine the representative average cost a consumer pays for the different types of energy available.

On November 19, 1979, the Commission issued a final rule [2] covering seven of the thirteen appliance categories, including dishwashers. The rule requires that energy costs and related information be disclosed on labels and in retail sales catalogs for all dishwashers presently manufactured. Certain point-of-sale promotional materials must disclose the availability of energy usage information. If a dishwasher is advertised in a catalog from which it may be purchased by cash, charge account or credit terms, then on each page of the catalog that lists the product shall be included the range of estimated annual energy costs for the product. The required disclosures and all claims concerning energy consumption made in writing or in broadcast advertisements must be based on the results of the DOE test procedures.

Section 305.8(b) of the rule requires manufacturers, after filing an initial report, to report annually by specified dates for each product type.[3] Because the costs for the various types of energy change yearly, and because manufacturers regularly add new models to their lines, improve existing models and drop others, the data base from which the ranges of comparability are calculated is constantly changing. To keep the required information in line with these changes, the Commission is empowered, under § 305.10 of the rule, to publish new ranges (but not more often than annually) if an analysis of the new data indicates that the upper or lower limits of the ranges have changed by more than 15%. Otherwise, the Commission must publish a statement that the prior range or ranges remain in effect for the next year.

The annual reports for dishwashers have been received and analyzed and it has been determined that neither the upper nor lower limits of the ranges for this product category have changed by 15% or more since the last publication of the ranges on November 17, 1983.[4]

In consideration of the foregoing, the present ranges for dishwashers will remain in effect until the Commission publishes new ranges for these products.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Authority: Sec. 324 of the Energy Policy and Conservation Act (Pub. L. 94-163) (1975), as amended by the National Energy Conservation Policy Act (Pub. L. 95-619) (1978), the National Appliance Energy Conservation Act (Pub. L. 100-12) (1987), and the National Appliance Energy Conservation Amendments of 1988 (Pub. L. 100-357) (1988), 42 U.S.C. 6294; sec. 553 of the Administrative Procedure Act, 5 U.S.C. 553.

Donald S. Clark,

Secretary.

[FR Doc. 89-3227 Filed 2-10-89; 8:45 am]
BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Reimportation of Drugs

AGENCY: Food and Drug Administration.

ACTION: Final rule.

[1] Pub. L. 94-163, 89 Stat. 871 (Dec. 22, 1975).
[2] 44 FR 66466, 16 CFR 305.
[3] Reports for dishwashers are due by June 1.
[4] 48 FR 52291.

SUMMARY: As a result of the enactment of the Prescription Drug Marketing Act of 1987, the Food and Drug Administration (FDA) is amending its regulations for delegations of authority by redelegating an additional authority regarding reimportation of drugs from the Commissioner of Food and Drugs to certain agency officials.

EFFECTIVE DATE: February 13, 1989.

FOR FURTHER INFORMATION CONTACT: Melissa M. Moncavage, Office of Management and Operations (HFA–340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4976.

SUPPLEMENTARY INFORMATION: The Prescription Drug Marketing Act of 1987 (Pub. L. 100–293, 102 Stat. 95) (the new law) which amends the Federal Food, Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 321 *et seq.*) was enacted on April 22, 1988. Among other provisions, the new law bans the reimportation of drugs produced in the United States, unless reimported by the manufacturer or unless there is authorization to reimport the drug for use in emergency medical care.

FDA is revising § 5.45 *Imports and Exports* (21 CFR 5.45) based on the new law. The new law redesignates subsection (d) of section 801 of the FFDCA (21 U.S.C. 381) as subsection (e). To conform § 5.45, FDA is amending paragraph (e) of § 5.45 by revising the reference from section 801(d) of the FFDCA to section 801(e).

The new law adds a new subsection (d) to section 801 of the FFDCA that prohibits reimportation of drugs manufactured in the United States that are exported, except as specified in section 801(d) of the FFDCA. FDA is adding a new paragraph (f) to § 5.45 that redelegates a new authority to certain officials in the Center for Biologics Evaluation and Research and the Center for Drug Evaluation and Research to authorize reimportation of drugs under section 801(d)(2) of the FFDCA for use in emergency medical care.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs, Part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR Part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 552; 7 U.S.C. 2217; 15 U.S.C. 638, 1451 *et seq.*, 3701 *et seq.*; 21 U.S.C. 41 *et seq.*, 61–63, 141 *et seq.*, 301–392, 467f(b), 679(b), 801 *et seq.*, 823(f), 1031 *et seq.*; 35 U.S.C. 156; 42 U.S.C. 219, 241, 242(a), 242a, 242l, 242o, 243, 262, 263, 263b through 263m, 264, 265, 300u *et seq.*, 1395y and 1396y note, 3246b(b)(3), 4831(a), 10007, and 10008; Federal Caustic Poison Act (44 Stat. 1406); Federal Advisory Committee Act (Pub. L. 92–463); E.O. 11490, 11921, 12591.

2. Section 5.45 is amended by revising the introductory text in paragraph (e) and by adding new paragraph (f) to read as follows:

§ 5.45 Imports and exports.

* * * * *

(e) The following officials are authorized to perform all the functions of the Commissioner of Food and Drugs pertaining to exportation of medical devices under section 801(e) of the FFDCA:

* * * * *

(f) The following officials are authorized to perform the functions of the Commissioner of Food and Drugs, for drugs under their jurisdiction, pertaining to authorizing the reimportation of prescription drugs under section 801(d)(2) of the FFDCA for emergency medical care:

(1) The Director, Center for Biologics Evaluation and Research (CBER) and the Director, Office of Compliance, CBER.

(2) The Director, Center for Drug Evaluation and Research (CDER) and the Director, Office of Compliance, CDER.

Dated: February 6, 1989.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 89–3250 Filed 2–10–89; 8:45 am]

BILLING CODE 4160–01–M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the change of sponsor for several new animal drug applications (NADA's) for clopidol containing products from The Dow Chemical Co., to Rhone-Poulenc, Inc.

EFFECTIVE DATE: February 13, 1989.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1415.

SUPPLEMENTARY INFORMATION: Rhone-Poulenc, Inc., 125 Black Horse Lane, Monmouth, NJ 08852, has acquired several NADA's for clopidol containing products from the Dow Chemical Co.

Dow Chemical advised FDA of the sponsor change. Those NADA's affected are:

NADA	Ingredient
34–393	Clopidol.
40–264	Clopidol + Roxarsone.
41–541	Clopidol + Roxarsone + Bacitracin MD.
44–016	Clopidol + Roxarsone + Bacitracin Zinc.
46–209	Clopidol + Chlortetracycline.
49–934	Clopidol + Bacitracin Zinc.
99–150	Clopidol + Bacitracin MD.

The change of sponsor does not involve any changes in manufacturing facilities, equipment, procedures, or production personnel. The agency is amending the regulations in 21 CFR 558.175(a) to reflect the change of sponsor.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

§ 558.175 [Amended]

2. Section 558.175 *Clopidol* is amended in paragraphs (a)(1) and (a)(2) by removing the number "025700" and replacing it with "011526".

Dated: February 1, 1989.

Bob G. Griffith,

Acting Associate Director, New Animal Drug Evaluation.

[FR Doc. 89–3246 Filed 2–10–89; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-89-05]

Regulations for Marine Event; Norfolk Harbor, Elizabeth River, Norfolk and Portsmouth, VA, 1989 Mardi Gras Festival

AGENCY: Coast Guard, DOT.

ACTION: Notice of Implementation of 33 CFR 100.501.

SUMMARY: This notice implements 33 CFR 100.501 for the 1989 Mardi Gras Festival. The event will be held on the Elizabeth River, adjacent to "Waterside", between the Norfolk and Portsmouth downtown areas. As part of the festival there will be a fireworks display launched from Loop 2, Town Point Park, from 7:00 p.m. to 7:30 p.m. on February 18, 1989. The regulations in 33 CFR 100.501 are needed to control vessel traffic within the immediate vicinity of the event due to the confined nature of the waterway and the expected congestion at the time of the event. The regulations restrict general navigation in the area for the safety of life on navigable waters during the event.

EFFECTIVE DATE: The regulations in 33 CFR 100.501 are effective from 6:30 p.m. to 8:00 p.m. on February 18, 1989.

FOR FURTHER INFORMATION CONTACT: B. J. Stephenson, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004 (804) 398-6204.

SUPPLEMENTARY INFORMATION: *Drafting Information:* The drafters of this notice are Billy J. Stephenson, project officer, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and Lieutenant Commander Robin K. Kutz, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Regulation: The Waterside Merchants Association submitted an application on January 24, 1989 to hold the fireworks display on February 18, 1989, in the "Waterside" area of the Elizabeth River between downtown Norfolk, and Portsmouth, Virginia. Since spectator vessels are expected to be in the area to watch the fireworks display, the regulations in 33 CFR 100.501 are being implemented for the event. The fireworks will be launched from within the regulated area The waterway will be closed during the fireworks display. Since the waterway will not be closed an extended period, commercial traffic should not be severely disrupted.

Date: February 1, 1989.

A.D. Breed,

Commander, Fifth C.G. District.

[FR Doc. 89-3338 Filed 2-10-89; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 207

Navigation Regulations; Pearl River Management Authority; Vicksburg District, MS

AGENCY: Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: This revision reflects a geographic reorganization within the Corps of Engineers, transferring management authority for the Pearl River and its tributaries, Mississippi and Louisiana, from the Mobile district to the Vicksburg district, as implemented on October 1, 1981. Navigation regulations for these waterways remain unchanged.

EFFECTIVE DATE: February 13, 1989.

FOR FURTHER INFORMATION CONTACT: Rick Kowalewski, 202-272-0281.

SUPPLEMENTARY INFORMATION: This rule relates to internal agency organization. Therefore, the provisions of E.O. 12291 do not apply and, pursuant to 5 U.S.C. 553, this rule may become effective less than 30 days after publication in the **Federal Register**.

List of Subjects in 33 CFR Part 207

Navigation (water), Navigable waters, Organization and functions (Government agencies), Waterways.

For the reasons set out in the preamble, Title 33, Chapter II of the Code of Federal Regulations, is amended by amending Part 207 as follows:

PART 207—NAVIGATION REGULATIONS

1. The authority citation for Part 207 continues to read as follows:

Authority: Secs. 4, 7, 28 Stat. 362, 40 Stat. 266 (33 U.S.C. 1).

2. Section 207.180 is amended by revising paragraph (b)(1), redesignating paragraphs (b)(2) and (b)(3) as paragraphs (b)(3) and (b)(4) respectively, and adding paragraph (b)(2), to read as follows:

§ 207.180 All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries, South and Southwest Passes and the Atchafalaya River) from St. Marks, Fla. to the Rio Grande; use, administration, and navigation.

* * * * *

(b) * * *

(1) *U.S. District Engineer, Mobile, Ala.* The St. Marks River, Fla., to the Pearl River, Mississippi and Louisiana; and the Gulf Intracoastal Waterway from Apalachee Bay, Fla., to mile 36.4 east of Harvey Lock.

(2) *U.S. District Engineer, Vicksburg, Miss.* The Pearl River and its tributaries, Mississippi and Louisiana.

* * * * *

Dated: January 13, 1989.

Robert W. Page,

Assistant Secretary of the Army (Civil Works).

[FR Doc. 89-3242 Filed 2-10-89; 8:45 am]

BILLING CODE 3710-92-M

Corps of Engineers, Department of the Army,

33 CFR Part 334

Danger Zone, San Clemente Island, Pacific Ocean, CA

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Interim final rule.

SUMMARY: This interim final rule invites comments on the Corps of Engineers proposal to establish a danger zone in the waters of the Pacific Ocean off the northwest tip of San Clemente Island. The purpose of the danger zone is to protect persons, vessels and property from hazards associated with the establishment of a Naval small arms range. Entry into the danger zone will be prohibited unless authorized by the Commander, Naval Base, San Diego, California and his/her representative.

DATES: Interim final rule effective February 13, 1989. Written comments must be received on or before March 15, 1989.

ADDRESS: HQDA, CECW-OR, Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Harlacher at (213) 894-5606 or Mr. Ralph Eppard at (202) 272-1783.

SUPPLEMENTARY INFORMATION: The Commander, Naval Facilities Engineering Command (NFEC), has requested the Corps of Engineers establish a danger zone in the waters off the northwest tip of San Clemente Island, California. The U.S. Navy will be constructing a small arms range facility

at the northwest corner of the island. The water area is to protect persons, vessels and property from the possibility of an errant round which could strike the water area. It is not intended to use the area encompassed by the danger zone as a range impact area.

In March 1988, the Commander NFEC requested the U.S. Coast Guard establish a permanent safety zone in the waters off the northwest tip of San Clemente Island to protect boat traffic and mariners from dangers associated with the proposed small arms range. The Coast Guard published a Notice of Proposed Rulemaking in the **Federal Register** on 26 July 1988, (53 FR 28019–28020) soliciting comments on the proposed safety zone. The safety zone boundaries and regulations which prohibited entry into the area are similar to the interim final rules published herein. The coordinates have been modified slightly to remove land areas from the danger zone. After close of the comment period (9 September 1988), the Commander, Marine Safety Office, San Diego, notified the Commander, NFEC, that (1) no comments were received in response to the NPRM and, (2) that due to resource limitations and the potential for confusing the public with both the Coast Guard and Navy enforcing the regulations, it would be in the best interest of the public and the U.S. Navy for the area to be established as a restricted area or danger zone by the Corps of Engineers. The Corps of Engineers concurs with the recommendations of the Coast Guard.

Although the small arms range does not yet exist, the Navy urgently needs approval of the danger zone prior to soliciting bids for the construction of the range facilities and expending public funds. In view of the administrative record developed by the U.S. Coast Guard in the publication of the NPRM described above, we have determined it to be in the best interest of the public to establish this danger zone as proposed by the Navy without another NPRM and further delay. We will, however, consider any comments or objections submitted and make any changes to the regulations we determine to be appropriate.

Economic Assessment and Certification

This interim final rule is issued with respect to a military function of the Defense Department and the provisions of E.O. 12291 do not apply.

I hereby certify that this interim final regulation will have no significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 334

Navigation (water), Transportation, Danger zones.

In consideration of the above, the Corps of Engineers is amending Part 334 of Title 33 to read as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for Part 334 continues to read as follows:

Authority: 40 Stat. 266; (33 U.S.C. 1) and 40 Stat. 892; (33 U.S.C. 3).

2. Section 334.961 is added as follows:

§ 334.961 Pacific Ocean, San Clemente Island, California; naval danger zone off northwest shore.

(a) *The danger zone:* The waters of the Pacific Ocean adjacent to San Clemente Island, California, bounded by the following coordinates and San Clemente Island.

Point A—33°01'38" N	118°36'18" W
Point B—33°01'11" N	118°37'25" W
Point C—33°00'00" N	118°36'51" W
Point D—33°00'05" N	118°38'53" W
Point E—33°02'55" N	118°39'05" W
Point F—33°04'25" N	118°37'41" W
Point G—33°02'04" N	118°35'53" W

(b) *The regulations.* (1) No vessel or other craft, except vessels of the U.S. Government or vessels duly authorized by the enforcing agency shall enter this area.

(2) The regulations in this section shall be enforced by the Commander, Naval Base, San Diego, California, and such agencies as he/she shall designate.

Date: January 29,1989.

Approved:

Patrick J. Kelly,

Brigadier General, USA, Director of Civil Works.

[FR Doc. 89–3241 Filed 2–10–89; 8:45 am]

BILLING CODE 3710-92-M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 10

[Docket No. 80340–8188]

Practice Before the Patent and Trademark Office

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule; correction.

SUMMARY: October 4, 1988, final rules amending regulations regarding the representation of others before the Patent and Trademark Office were issued. (53 CFR 38948, Oct. 4, 1988.) This notice makes a technical correction to § 10.101(b) to reflect that by reason of the amended regulations, §§ 10.10(c) and 10.10(d) currently address practice of Government employees before the Patent and Trademark Office in patent cases.

EFFECTIVE DATE: February 13, 1989.

FOR FURTHER INFORMATION CONTACT: Cameron Weiffenbach by telephone at (703) 557–2012 or by mail marked to his attention and addressed to Box OED, Commissioner of Patents and Trademarks, Washington, DC 20231.

SUPPLEMENTARY INFORMATION:

List of Subjects in 37 CFR Part 10

Administrative practice and procedure.

PART 10—REPRESENTATION OF OTHERS BEFORE THE PATENT AND TRADEMARK OFFICE

1. The authority citation for 37 CFR Part 10 continues to read as follows:

Authority: 5 U.S.C. 500; 15 U.S.C. 1123; 35 U.S.C. 6, 31, 32, 41.

§ 10.101 [Amended]

2. Section 10.101(b) [Amended].

The reference in § 10.101(b) to "§ 10.6(d)" is revised to read "§§ 10.10(c) and 10.10(d)."

Date: February 2, 1989.

Donald J. Quigg,

Assistant Secretary and Commissioner of Patents and Trademarks.

[FR Doc. 89–3215 Filed 2–10–89; 8:45 am]

BILLING CODE 3510-16-M

VETERANS ADMINISTRATION

38 CFR Part 1

Disinterments From National Cemeteries

AGENCY: Veterans Administration.

ACTION: Final rule.

SUMMARY: The Veterans Administration (VA) regulations at 38 CFR 1.621 previously provided that disinterments at national cemeteries would be permitted only if certain requirements were met including the obtaining of written authorization of the Chief Memorial Affairs Director. This document amends the regulations to delete the reference to the Chief Memorial Affairs Director and instead to provide that the prior written authorization must be obtained either from the National Cemetery Area Office

Director or the Cemetery Director responsible for the cemetery involved. This will shorten the time periods for determinations concerning disinterments without lessening Agency effectiveness.

EFFECTIVE DATE: March 15, 1989.

FOR FURTHER INFORMATION CONTACT: Bertus Douma, Program Analyst, Department of Memorial Affairs, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420 (202) 275-0673.

SUPPLEMENTARY INFORMATION: The VA has determined that under 38 CFR 1.12(a) prior publication for notice and public comment is unnecessary since this final regulatory amendment is a matter relating to Agency management or personnel and is a rule of Agency organization. Accordingly, the amendment is being published as a final regulatory amendment.

This final regulatory amendment is considered non-major under the criteria of Executive Order 12291, Federal Regulation. It will not have an annual effect on the economy of $100 million or more; will result in no significant increase in costs or prices for consumers, individuals, industries, Federal, State or local government agencies, or geographic regions. It will have no adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator certifies that this final regulatory amendment will not have a significant impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601 through 612. This certification can be made because this regulation affects only the manner in which the VA authorizes disinterments.

There is no Catalog of Federal Domestic Assistance program number for this amendment.

List of Subjects in 38 CFR Part 1

Administrative practice and procedure, Cemeteries, Employment, Government employees, Government property, Freedom of Information Act, Privacy, Veterans.

Approved: February 7, 1989.

Thomas E. Harvey,

Acting Administrator.

PART 1—[AMENDED]

38 CFR Part 1, *General*, is amended by revising paragraph (a) of § 1.621 and adding a new authority citation to read as follows:

§ 1.621 Disinterment from national cemeteries.

(a) Interments of eligible decedents in national cemeteries are considered permanent and final. Disinterment will be permitted only for cogent reasons and with the prior written authorization of the National Cemetery Area Office Director or Cemetery Director responsible for the cemetery involved. Disinterment from a national cemetery will be approved only when all living immediate family members of the decedent, to include the person who initiated the interment (whether or not he or she is a member of the immediate family), give their written consent, or when a court order or State instrumentality of competent jurisdiction directs the disinterment. "Immediate family members" are defined as surviving spouse, if not remarried, all adult children of the decedent, appointed guardian(s) of minor children, the appointed guardian of the surviving unremarried spouse or of the adult child(ren) of the decedent. When the person who initiated the interment is the remarried spouse, his or her written consent will not be required. In the absence of a surviving unremarried spouse and children, the decedent's parents will be considered "immediate family members."

(Authority: 38 U.S.C. 210(c); 1004)

* * * * *

[FR Doc. 89-3360 Filed 2-10-89; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-3514-2]

Presque Isle Superfund Site; National Priorities List Deletion

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of the deletion of a site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of a site from the National Priorities List (NPL). The NPL is Appendix B to the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

EPA and the State of Pennsylvania have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State have determined that remedial actions conducted at the site have been protective of public health, welfare, and the environment.

EFFECTIVE DATE: February 13, 1989.

FOR FURTHER INFORMATION CONTACT: Stephen R. Wassersug, Director, Hazardous Waste Management Division (3HW00), Region III, Environmental Protection Agency, 841 Chestnut Building, Philadelphia, PA 19107, Phone: (215) 597-9800.

SUPPLEMENTARY INFORMATION: The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund) financed remedial actions. Any site deleted from the NPL remains eligible for Fund financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.66(c)(8) of the NCP states that fund-financed actions may be taken at sites deleted from the NPL.

The site EPA deletes from the NPL is: Presque Isle, Erie, Pennsylvania.

An explanation of the criteria for deleting sites from the NPL was presented in Section II of the July 27, 1988 Notice of Intent to Delete (50 FR 53448). A description of this site and how it met the criteria for deletion was presented in Section IV of that notice.

The closing date for comments on the Notice of Intent to Delete was August 30, 1988. No comments were received.

List of Subjects in 40 CFR Part 300

Chemicals, Hazardous substances, Hazardous waste, Superfund.

Date: December 31, 1988.

Stanley L. Laskowski,

Acting Regional Administrator.

PART 300—[AMENDED]

1. The authority citation for Part 300 continues to read as follows.

Authority: Section 105, Pub. L. 96-510, 94 Stat. 2764, 42 U.S.C. 9605 and sec. 311(c)(2), Pub. L. 92-500 as amended, 86 Stat. 865, 33 U.S.C. 1321(c)(2); E.O. 12316, 46 FR 42237; E.O. 11735, 38 FR 21243.

Appendix B—[Amended]

2. The NPL in 40 CFR Part 300, Appendix B is amended as follows. In Group 8 remove the following entry and

move up the other entries accordingly: Presque Isle, Erie, Pennsylvania.

[FR Doc. 89-2534 Filed 2-10-89; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6824]

List of Communities Eligible for the Sale of Flood Insurance; Iowa et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the fourth column of the table.

ADDRESS: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 457, Lanham, Maryland 20706, Phone: (800) 638-7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street, Southwest, Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a signifcant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance and floodplains.

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date
Iowa: Minden, city of, Pottawattamie County	190781	Dec. 7, 1988, emerg.; Dec. 7, 1988, reg.	June, 1, 1982.
New York: Seward, Town of, Schoharie County	361199	Sept. 26, 1975, emerg.; Sept. 1, 1988, reg.; Sept. 1, 1988, susp.; Dec. 1, 1988, rein.	Sept. 1, 1988.
Florida: Mary Esther, city of, Okaloosa County	120337	July 1, 1975, emerg.; July 3, 1985, reg.; Oct. 18, 1988, susp.; Dec. 2, 1988, rein.	July 3, 1985.
Indiana: Clinton County, unincorporated areas	180029	Feb. 13, 1976, emerg.; Sept. 1, 1988, reg.; Sept. 1, 1988, susp.; Dec. 7, 1988, rein.	Sept. 1, 1988.
Tennessee: Red Bank, city of, Hamilton County	470076	Nov. 7, 1973, emerg.; Mar. 15, 1979, reg.; Mar. 15, 1979, susp.; Dec. 7, 1988, rein.	Mar. 15, 1979.
Florida: Wakulla County unincorporated areas	120315	May 21, 1973, emerg.; Jan. 16, 1981, reg.; Oct. 18, 1988, susp.; Dec. 9, 1988, rein.	Nov. 16, 1983.
Washington: Wilson Creek, town of, Grant County	530056	May 27, 1975, emerg.; July 15, 1988, reg.; July 15, 1988, susp.; Dec. 9, 1988, rein.	July 18, 1988.
Oklahoma: Keota, town of, Haskell County	400391	June 26, 1978 emerg.; July 18, 1985, reg.; Aug. 4, 1988, susp.; Dec. 9, 1988, rein.	July 18, 1985.
Arkansas: Parkin, city of, Cross County	050059	Dec. 13, 1974, emerg.; Oct. 15, 1985, reg.; Aug. 16, 1988, susp.; Dec. 9, 1988, rein.	Oct. 15, 1985.
Kansas: Burrton, city of, Harvey County	200130	Sept. 3, 1976, emerg.; Apr. 22, 1977, reg.; Dec. 1, 1988, Withdrawn.	Apr. 22, 1977.
Illinois: LaSalle County, unincorporated areas	170400	Dec. 16, 1988, emerg	Aug. 6, 1982.
Indiana:			
Arcadia, town of, Hamilton County	180496	Dec. 9, 1988, emerg.; Dec. 9, 1988, reg.	Aug. 16, 1988.
Hamilton County, unincorporated areas	180080	Dec. 16, 1988, emerg.; Dec. 16, 1988, reg	Jan. 16, 1987
Louisiana: Pine Prairie, village of, Evangeline Parish	220068	July 8, 1975, emerg.; June 25, 1976, reg.; Aug. 16, 1988, susp.; Dec. 14, 1988, rein.	June 25, 1976.
Pennsylvania: McVeytown, borough of, Mifflin County	420688	May 20, 1975, emerg.; June 1, 1987, reg.; June 1, 1987, susp.; Dec. 15, 1988, rein.	June 1, 1987.
Texas: Baird, town of, Callahan County	480722	Oct. 29, 1980, emerg.; Apr. 1, 1987, reg.; Aug. 16, 1988, susp.; Dec. 15, 1988, rein.	Apr. 1, 1987.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date
Iowa: Alta Vista, city of, Chickasaw County	190065	Mar. 3, 1976, emerg.; Aug. 1, 1986, reg.; June 3, 1988, susp.; Dec. 16, 1988, rein.	Aug. 1, 1986.
Missouri: Irondale, city of, Washington County	290446	Dec. 23, 1988, emerg	May 13, 1977.
North Carolina: King, city of, Stokes County	370458	Dec. 26, 1988, emerg	
Arizona:			
Sedona, town of, Coconino and Yavapai Counties [1]	040130	Dec. 30, 1988, emerg.; Dec. 30, 1988, reg	Aug. 19, 1985 and Sept. 30, 1988.
Camp Verde, town of, Yavapai County [2]	40131	Dec. 30, 1988, emerg.; Dec. 30, 1988, reg	Aug. 19, 1985.
Kansas:			
Dickinson County, unincorporated areas	200575	July 19, 1978, emerg.; Dec. 16, 1988, reg.; Dec. 16, 1988, susp.; Dec. 26, 1988, rein.	Dec. 16, 1988.
Howard, city of, Elk County	200507	Sept. 16, 1976, emerg.; Apr. 8, 1977, reg.; Dec. 26, 1988, Withdrawn.	Apr. 8, 1977.
Michigan: Banks, township of, Antrim County	260643	Oct. 29, 1975, emerg.; Sept. 1, 1988, reg.; Sept. 1, 1988, susp.; Jan. 5, 1989, rein.	Sept 1, 1988.
Iowa: Elk Run Heights, city of, Black Hawk County	190019	June 12, 1974, emerg.; Aug. 1, 1983, reg.; June 3, 1988, susp.; Jan. 5, 1989, rein.	Aug. 1, 1983.
Delaware: Middletown, town of, New Castle County	100024	June 13, 1974, emerg.; Jan. 7, 1977, reg.; Nov. 18, 1988, susp.; Jan. 4, 1989, rein.	Jan. 7, 1977.
Michigan: Selma, township of, Wexford County	260757	Apr. 13, 1987, emerg.; Sept. 30, 1988, reg.; Sept. 30, 1988, susp.; Jan. 4, 1989, rein.	Sept. 30, 1988.
Texas: Warren City, city of, Gregg County	480840	Apr. 13, 1981, emerg.; July 3, 1985, reg.; Sept. 2, 1988, susp.; Jan. 11, 1989, rein.	July 3, 1985.
Pennsylvania: Delaware Water Gap, borough of, Monroe County	420690	Mar. 3, 1980, emerg.; Aug. 16, 1988, reg.; Aug. 16, 1988, susp.; Jan. 12, 1989, rein.	Aug. 16, 1988.
Texas: Easton, city of, Gregg and Rusk Counties	481145	Dec. 7, 1988, emerg	July 18, 1975.
Arkansas: Pollard, city of, Clay County	050036	Apr. 11, 1975, emerg.; Aug. 31, 1982, reg.; Aug. 16, 1988, susp.; Jan. 16, 1989, rein.	Aug. 31, 1982.
Pennsylvania: Germany, township of, Adams County	422296	Aug. 29, 1975, emerg.; July 4, 1988, reg.; July 4, 1988, susp.; Jan. 17, 1989, rein.	July 4, 1988.
New York: Ballston Spa, village of, Saratoga County	360710	July 7, 1975, emerg.; June 1, 1984, reg.; Sept. 16, 1988, susp.; Jan. 18, 1989, rein.	June 1, 1984.
Pennsylvania: Rutland, township of, Tioga county	422099	Mar. 14, 1975, emerg.; Sept. 18, 1987, reg.; Sept. 18, 1987, susp.; Jan. 18, 1989, rein.	Sept. 18, 1987.
Arkansas: St. Francis County, unincorporated areas	050184	Sept. 4, 1979, emerg.; Nov. 1, 1975, reg.; Aug. 16, 1988, susp.; Jan. 18, 1989, rein.	Nov. 1, 1985.
Missouri: Howard County, unincorporated areas	290162	July 25, 1984, emerg.; Jan. 5, 1989, reg.; Jan. 5, 1989, susp.; Jan. 19, 1989, rein.	Jan. 5, 1989.
Pennsylvania: Jackson, township of, Lycoming County	422601	Jan. 19, 1989, emerg	Mar. 28, 1975.
Florida: Union County, unincorporated areas	120422	Aug. 22, 1979, emerg.; Aug. 4, 1988, reg.; Aug. 4, 1988, susp.; Jan. 23, 1989, rein.	Aug. 4, 1988.
Pennsylvania: Shippensburg, township of, Cumberland County	421585	Jan. 31, 1981, emerg.; Nov. 4, 1988, reg.; Nov. 4, 1988, susp.; Jan. 23, 1989, rein.	Nov. 4, 1988.
Arkansas: Sherrill, town of, Jefferson County	050110	June 19, 1975, emerg.; June 30, 1976, reg.; Aug. 16, 1988, susp.; Jan. 27, 1989, rein.	June 30, 1976.
Oklahoma: Stringtown, town of, Atoka County	400329	Dec. 9, 1976, emerg.; Aug. 4, 1988, susp.; Jan. 30, 1989, rein	Aug. 13, 1976.
North Carolina: Burke County, unincorporated areas	370034	Jan. 15, 1974, emerg.; Apr. 5, 1988, susp.; Jan. 31, 1989, rein	Feb 17, 1978.
Louisiana: Baskin, village of, Franklin County	220072	May 15, 1973, emerg.; Sept. 1, 1986, reg.; Sept. 1, 1988, susp.; Jan. 31, 1989, rein.	Sept. 1, 1986.
Region III			
Pennsylvania: Potter, township of, Beaver County	422327	Dec. 2, 1988, suspension withdrawn	Dec. 2, 1988.
Region V			
Illinois:			
Arthur, village of, Moultrie County:	170520	....do	Do.
Wenona, city of, Marshall County	170462	....do	Do.
Region VI			
Oklahoma: Wagoner County, unincorporated areas	400215	....do	Do.
Region III			
Pennsylvania:			
Middle Smithfield, township of, Monroe County	421890	Dec. 16, 1988, suspension withdrawn	Dec. 16, 1988.
Tobyhanna, township of, Monroe County	421897	....do	Do.
Virginia:			
Essex County, unincorporated areas	510048	....do	Do.
York County, unincorporated areas	510182	....do	Do.
Region IV			
Georgia:			
Americus, city of, Sumter County	130203	....do	Do.
Lakeland, city of, Lanier County	130120	....do	Do.
Tennessee: Lawrenceburg, city of, Scotland County	475437	....do	Do.
Region V			
Michigan:			
Putnam, township of, Livingston County	260442	....do	Do.
Taymouth, township of, Saginaw County	260503	....do	Do.
Ohio: Hamilton County, unincorporated areas	390204	....do	Do.

State and location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Current effective map date
Region I			
Connecticut: Salisbury, town of, Litchfield County	090052	Jan. 5, 1989, suspension withdrawn	Jan. 5, 1989.
Maine:			
Rockland, city of Knox County	230076	do	Do.
Skowhegan, town of, Somerset County	230128	do	Do.
Region III			
Pennsylvania:			
Matamoras, borough of, Pike County	420758	do	Do.
Pleasant, township of, Warren County	422548	do	Do.
Virginia: Bland County, unincorporated areas	510017	do	Do.
Region V			
Illinois: Aurora, city of, Kane and Dupage counties	170320	do	Do.
Indiana:			
DeKalb County, unincorporated areas	180044	do	Do.
Marshall County, unincorporated areas	180443	do	Do.
Roseland, town of, St. Joseph County	185179	do	Do.
Wisconsin: Gilman, village of, Taylor County	550433	do	Do.
Region VI			
New Mexico:			
Taos County, unincorporated areas	350078	do	Do.
Region X			
Washington: Moses Lake, city of, Grant County	530053	do	Do.
Region III			
Virginia: Middlesex County, unincorporated areas	510098	Jan. 18, 1989, suspension withdraw	Jan. 18, 1989
Region V			
Michigan:			
Grant, township of, Cheboygan County	260610	do	Do.
Saint Louis, city of, Gratiot County	260085	do	Do.
Region VI			
Texas: Burleson County, unincorporated areas	481169	do	Do.
Region VII			
Missouri:			
Charleston, city of, Mississippi County	290231	do	Do.
Mississippi County, unincorporated areas	290781	do	Do.

[1] The Town of Sedona, Arizona has adopted Coconino and Yuavapai Counties' FIRM for floodplain management and insurance purposes.
[2] The Town of Camp Verde, Arizona has adopted Yavapai County's FIRM for floodplain management and insurance purposes.
Code for reading fourth column: emerg.—emergency; reg.—regular; susp.—suspension; rein.—reinstatement.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

Issued: February 7, 1989.

[FR Doc. 89-3281 Filed 2-10-89; 8:45 am]

BILLING CODE 6718-21-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

[Docket No. 81132-9033]

Foreign Fishing; Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final notice of 1989 initial groundfish specifications in the Gulf of Alaska; prohibited species catch limits for certain groundfish species and for Pacific halibut; reapportionments of reserves; inseason adjustment of the Gulf of Alaska pollock fishery; request for comments.

SUMMARY: The Secretary of Commerce (Secretary) announces certain measures that are being implemented to manage the 1989 groundfish fishery in the Gulf of Alaska. This action is necessary to inform the public of the Secretary's determinations relating to 1989 management of the groundfish fisheries in the Gulf of Alaska. The measures are intended to carry out management objectives contained in the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP).

DATES: Effective February 9, 1989. Comments are invited on the apportionments of reserves and on the inseason adjustment in the pollock fishery until February 24, 1989.

ADDRESS: Comments should be sent to Steven Pennoyer, Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Management Biologist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION:

Background

This notice announces for the 1989 fishing year: (1) Total allowable catches (TACs) for each category of groundfish in the Gulf of Alaska and apportionments thereof among domestic annual processing (DAP), joint venture processing (JVP), total allowable level of foreign fishing (TALFF), and reserves; (2) assignments of the sablefish TAC to authorized fishing gear users; (3) prohibited species catch (PSC) limits that are relevant to fully utilized groundfish species that will be imposed on JVP; (4) PSC limits of Pacific halibut on DAP; (5) apportionments of reserves to DAP; and (6) an inseason adjustment in the Gulf of Alaska pollock fishery.

TACs for groundfish species in the Gulf of Alaska are established annually through the FMP that was developed by the North Pacific Fishery Management Council (Council) under the Magnuson

Act and is implemented by regulations appearing at 50 CFR 611.92 and Part 672. The sum of the TACs for all species must fall within the combined optimum yield (OY) range established for these species of 116,000–800,000 metric tons (mt).

TACs are apportioned initially among DAP, JVP, reserves, and TALFF for each species under § 611.92 and § 672.20(a)(2). DAP amounts are intended for harvest by U.S. fishermen for delivery and sale to U.S. processors. JVP amounts are intended for joint ventures in which U.S. fishermen typically deliver their catches to foreign processors at sea. TALFF amounts are intended for harvest by foreign fishermen. The reserves for the Gulf of Alaska are 20 percent of the TAC for pollock, Pacific cod, flounder, and "other species." These reserve amounts are set aside for possible reapportionment to DAP and/or to JVP if the initial apportionments prove inadequate. Reserves which are not reapportioned to DAP or JVP may be reapportioned to TALFF. Other groundfish target species, including sablefish, "other rockfish," pelagic shelf rockfish, demersal shelf rockfish, and thornyhead rockfish are fully utilized by DAP and no reserves are established.

Under § 611.92 and § 672.20(a)(2), the Secretary, after consultation with the Council, shall specify the TAC for each calendar year for each target species and the "other species" category, and shall apportion the TACs among DAP, JVP, reserves, and TALFF. The sum of the TACs must be within the OY range.

Under § 672.20(c)(1), the preliminary specifications of DAP and JVP amounts were published in the **Federal Register** (53 FR 47993, November 29, 1988) and comments were requested to be submitted to the Regional Director until December 23, 1988. No comments were received by the Regional Director.

The Council met during December 5–9, 1988 to review the best available scientific information concerning groundfish stocks, intended harvest plans for 1989, and estimates made by NMFS concerning the extent to which U.S. fishermen would need amounts of groundfish. This information was contained in the Resource Assessment Document (RAD), which was prepared and presented by the Gulf of Alaska Plan Team to the Council and to the Council's Scientific and Statistical Committee (SSC) and Advisory Panel (AP). Information contained in the RAD included results obtained from the 1984 and 1987 triennial survey of groundfish conducted in the Gulf of Alaska and the 1986 and 1988 hydroacoustic survey of pollock in Shelikof Strait, which lies between Kodiak Island and the Alaska Peninsula. Both surveys were conducted by the NMFS Northwest and Alaska Fishery Center (NWAFC). The SSC reviewed the available information and recommended to the Council acceptable biological catches (ABCs) discussed below and shown in Table 1 contained at § 672.20. The AP also considered information contained in the RAD and recommended TACs for each species.

Most of the information considered by the Council was summarized in the preliminary notice. Any new information and subsequent actions by the Council for each species and species complex are summarized below:

1. Total Allowable Catches

Pollock—Information concerning the status of pollock is based on information from Shelikof Strait hydroacoustic surveys conducted in 1986 and 1988 and the 1987 bottom trawl survey. The 1987 bottom trawl survey indicated the total pollock biomass to be 593,000 mt. The 1988 hydroacoustic survey indicated the total pollock biomass to be 330,000 mt. The SSC believes that the best estimate of the biomass is that derived from the 1987 bottom trawl survey, or 593,000 mt. The Council adopted an ABC equal to 60,000 mt. Rather than allow a catch of this magnitude to take place entirely on spawning pollock in Shelikof Strait, the Council recommended that the Secretary establish a TAC in Shelifof Strait equal to 6,250 mt and set DAP equal to TAC. The Council also recommended a TAC in the rest of the Western/Central Regulatory Area equal to 53,750 mt and recommended DAP equal TAC.

The Council recommended further that the ABC in the Eastern Regulatory Area be set equal to 3,400 mt, but recommended that the TAC be limited to 200 mt, since fishermen will take pollock as bycatch only and 200 mt will satisfy bycatch needs in this regulatory area.

Pacific cod—Although Pacific cod stocks appear to be decreasing in size, stocks are still healthy. The RAD provided a revised estimate of projected exploitable biomass based on 1984 and 1987 trawl surveys that suggested ABC should be revised downward to 71,200 mt, using a rate of fishing mortality that would result in the maximum sustainable yield being achieved. The SSC concurred with this result. The Council adopted this amount and recommended that TAC equal ABC, apportioned among the regulatory areas as follows: Western—13,500 mt; Central—52,000 mt; and Eastern—5,700 mt.

Flounders—Stocks of flounder are in good condition. Biomass estimates from the 1984 and 1987 triennial bottom trawl surveys indicate that exploitable biomass has increased about 3 percent, to 2,110,854 mt. The Plan Team used different fishing mortality rates for certain species constituting the flounder complex by selecting a rate to maximize the yield per recruit for arrowtooth flounder, rock sole, and yellowfin sole, because these species are at near virgin biomass levels. The Plan Team used an exploitation rate of 26 percent for flathead sole, since the higher rate used for the other species yielded an unrealistically high result. This procedure resulted in an ABC for the flounder complex equal to 554,700 mt. The SSC accepted the Plan Team's result. The Council adopted the ABC but set TAC equal to 36,000 mt to avoid the otherwise high bycatch of Pacific halibut. The Council recommended the TAC be apportioned among the regulatory areas as follows: Western—3,200 mt; Central—31,800 mt; and Eastern—1,000 mt.

Sablefish—Results of the 1988 Japan-U.S. cooperative longline survey indicates the sablefish biomass remains high. The Plan Team recommended an ABC equal to 30,900 mt, which is a decrease from the 1988 level of 35,000 mt, using a conservative biomass estimate. This compensates for lack of evidence of a strong 1984 year class that was expected to fully recruit to the fishery in 1989. The SSC concurred with the Plan Team's recommendation. The Council adopted the SSC's recommendation for ABC but recommended that the TAC should be 26,000 mt to compensate for unreported fishing mortality that might be occurring from gear loss on the gounds and other sources. The Council recommended that TAC be apportioned among the regulatory areas and districts, as follows:

Western—3,770 mt; Central—11,700 mt; West Yakutat—4,550 mt; and Southeast Outside/East Yakutat—5,980 mt.

Rockfish assemblages—The same three categories of rockfish in the genus *Sebastes* will be managed in 1989 as in 1988. These categories are "other rockfish", pelagic shelf rockfish, and demersal shelf rockfish. They are described as follows:

"Other rockfish"—In the Western and Central Regulatory Areas and the Eastern Regulatory Area west of 137° W. longitude, "other rockfish" means the 18 species of slope rockfish and the 10 species of demersal shelf rockfish listed in the footnote to Table 1 of this notice.

TACs are established for these combined assemblages in these management areas. In the Southeast Outside District, "other rockfish" means the 18 species of slope rockfish only. A TAC is established for this assemblage of 18 species in the Southeast Outside District.

Pelagic shelf rockfish—In the Western, Central, and Eastern Regulatory Areas, pelagic shelf rockfish means the five rockfish species listed in the footnote to Table 1 of this notice. A TAC is established for this assemblage in each of these regulatory areas.

Demersal shelf rockfish—In the Southeast Outside District, demersal shelf rockfish means the ten rockfish species listed in the footnote to Table 1 of this notice. A TAC is established in the Southeast Outside District.

The condition of, and Council action for, each of the rockfish assemblages that make up the three categories are as follows:

The condition of slope rockfish is good and stocks are believed to be increasing in abundance. Exploitable biomass is estimated to be about 702,000 mt. About 14 percent of this amount, or 99,700 mt, is composed of a subcategory called "deep slope" rockfish. The balance is composed of a subcategory called "shallow slope" rockfish. The Plan Team recommended a Gulf of Alaska-wide ABC range of 14,700–30,700 mt. The SSC believed the midpoint of the range, or 22,700 mt to be more appropriate. The Council adopted a reduced ABC of 20,000 mt to afford more protection to two deep water species of slope rockfish, which might otherwise be overharvested if the TAC were larger and fishing to achieve TAC were directed at these species. The Council recommended the TAC be set at 20,000 mt, and apportioned among the regulatory areas as follows: Western—5,774 mt; Central—8,452 mt; and Eastern—5,774 mt.

The Plan Team recommended a Gulf of Alaska-wide ABC of 3,300 for pelagic shelf rockfish. The SSC recommended an ABC of 6,600 mt. The Council adopted a preliminary ABC equal to 3,300 mt, but set TAC equal to 3,300 mt, apportioned among the management areas as follows: Western 500 mt; Central—2,400 mt; and Eastern—400 mt.

No biomass or yield estimates are available on which to base an ABC for demersal shelf rockfish. This rockfish assemblage is the target of a hook-and-line fishery in the Southeast Outside District. Information from the Alaska Department of Fish and Game on this rockfish assemblage suggests that the population is declining. The Council adopted a TAC of 420 mt, based on a State of Alaska recommendation that no more than this amount should be harvested from the Southeast Outside District.

Thornyhead rockfish—The SSC adopted the Plan Team's recommendation that the ABC should be set approximately equal to the 1988 amount, rounded up from 3,750 mt to 3,800 mt. The Council adopted this number and recommended a Gulf of Alaska-wide TAC equal to ABC.

Other species—No recommendations were made by the Plan Team for this group. Under the FMP, the TAC for this species category is to be set at 5 percent of the sum of the TACs established for the other groundfish categories.

The sum of the above TACs adopted by the Council is 231,966 mt, which falls within the OY range specified by the FMP. The Council, after adopting the TACs, then deliberated on the apportionment of the TACs for each species among DAP, JVP, reserve, and TALFF. The Council reviewed the results of the NMFS-conducted U.S. processor survey and the stated requests by joint venture companies for JVP. Prior to the Council's meeting, NMFS surveyed the U.S. processing industry about its processing capacity and the extent to which the capacity will be used for groundfish species in 1989. This survey did not include sablefish and all of the rockfish species, which are known to be fully utilized as a result of prior years' harvests. The survey did include pollock, Pacific cod, and flounder. When the Regional Director reviewed the survey results, he calculated the probability that those amounts would actually be processed, considering the amount of processing machinery that was available or which was planned for but not yet in place, both on shore and on catcher/processor and mothership processor vessels.

In doing so, the Regional Director discounted some of the survey results as overly optimistic. The Regional Director presented his analysis (see table of NMFS projections of DAP needs for pollock, Pacific cod, and flounder, below) to the Council, which in turn used it to recommend to the Secretary initial DAP specifications. As a result of the process, TALFF is set at zero, because all species are expected to be fully utilized by U.S. fishermen, either in DAP or JVP fisheries. For pollock and Pacific cod, NMFS projections of DAP needs exceed TACs for these species. For flounder, NMFS projections of DAP needs are less than TAC by 10,000 mt. This amount is available for JVP. For sablefish and all the rockfish species, including thornyhead rockfish, all TACs are expected to be needed by DAP, and none are available for JVP. Since DAH (i.e., sum of DAP and JVP) equals TACs for all species, none is available for TALFF.

The Secretary has reviewed the Council's recommendations for TAC specifications and apportionments and hereby implements these specifications under § 672.20(c)(1). The FMP stipulates that 20 percent of each TAC be set aside in a reserve for possible reapportionment at a later date. Because DAP is projected to need all reserve amounts, the Secretary, at this time, is reapportioning reserves for each species category except flounder to DAP.

DAP REQUESTS THAT WERE SUBMITTED TO NMFS, AND NMFS INITIAL PROJECTIONS OF DAP FOR POLLOCK, PACIFIC COD, AND FLOUNDER FOR 1989 FOLLOWING ITS SURVEY OF U.S. PROCESSORS

	DAP requests (mt)	NMFS initial projections of DAP needs (mt)
Pollock	85,712	85,512
Pacific Cod	86,625	76,120
Flounders	20,217	17,442

By doing so, the Secretary is anticipating that U.S. fishermen will need all of DAH amounts so specified. Only those amounts that the Secretary has determined will not be needed by DAP are apportioned to JVP at this time.

2. Assignments of the Sablefish TAC to Authorized Fishing Gear Users

Under § 672.24(b), the sablefish TACs for each of the regulatory areas and districts are further assigned to hook-and-line and trawl gear. The Secretary publishes for the information of the public the following table that shows the assignments of sablefish TACs between the gear types:

SABLEFISH TOTAL ALLOWABLE CATCH (TAC) AND AMOUNTS OF TAC, IN METRIC TONS, ASSIGNED TO AUTHORIZED GEAR IN THE REGULATORY AREAS AND DISTRICTS OF THE GULF OF ALASKA

Area/District	TAC	Hook-and-line share	Trawl share
Western	3,770	3,020	750
Central	11,700	9,360	2,340
West Yakutat	4,550	4,320	230
Southeast outside/ East Yakutat	5,980	5,680	300
Total	26,000	22,380	3,620

3. PSC Limits Relevant to Fully Utilized Species

Section 672.20(b)(1) specifies that if the Secretary determines after consultation with the Council that the TAC for any species or species group will be fully utilized in the DAP fishery, he may specify the PSC limit applicable to the JVP fisheries for that species or species group. Any PSC limit specified shall be for bycatch only and cannot be retained. Under § 672.20(c)(2)(iv), if the Regional Director determines that a PSC limit applicable to a directed JVP fishery has been or will be reached, the Secretary will publish a notice of closure in the **Federal Register** prohibiting the receipt of U.S.-harvested fish by foreign vessels in all or part of the regulatory area concerned.

Since the Council recommended only a single JVP, that being 10,000 mt of flounder, and intends to review the status of DAP needs later in the year regarding possible apportionments of DAP to JVP to support the bycatch needs of a flounder fishery, the Secretary is not making determinations concerning PSC limits for fully utilized species that would be applicable to JVP at this time. If future apportionments from DAP to JVP occur, the Secretary will also make the necessary determinations under § 672.20(c)(iv) at that time.

4. Halibut Prohibited Species Catch Limits

Section 672.20(f)(2)(i) specifies a framework procedure for setting PSC limits for Pacific halibut. This procedure requires the Secretary, after consultation with the Council, to publish a notice in the **Federal Register** to establish PSC limits for Pacific halibut.

The Secretary has consulted with the Council and is affirming the Council's intent that the total fishing mortality inflicted on Pacific halibut by the groundfish fishery should not exceed 2,000 mt. This amount has been recommended by the International Pacific Halibut Commission (IPHC), because the IPHC subtracts this amount from available harvest amounts for the directed fishery for halibut before setting fishing quotas. The purpose of this amount is to allocate non-retainable bycatch to groundfish fishermen.

Certain assumptions are made relating to different mortality rates between JVP and DAP fisheries, depending on the types and deployment of gear used in the fisheries. In DAP trawl fisheries, 50 percent of all the halibut caught are assumed to be killed. In JVP trawl fisheries, 100 percent of all halibut are assumed to be killed due to the longer trawling time before sorting of catch. In hook-and-line fisheries, 25 percent of all halibut caught are assumed to be killed regardless of whether the fisheries are DAP or JVP.

Certain assumptions are also made regarding the different proportions of target groundfish species caught by the different gear types and the distribution of midwater pollock, by area. These assumptions are summarized as follows:

BYCATCH ASSUMPTIONS

Target species	Gear shares bottom trawl (percent)	Domestic	
		Hook-and-line (percent)	Midwater trawl (percent)
Pollock	25	0	75
Cod	85	15	0
Flounders	100	0	0
Sablefish	15	80	5
Rockfish	67	33	0
Midwater Pollock Distribution: Western, (20% percent); Central (80% percent).			

Using the above assumptions, the Secretary is establishing a PSC limit applicable to JVP that is equal to 515 mt based on the JVP for flounder of 10,000 mt and 100 percent mortality rate of halibut in the JVP trawl fishery.

The Secretary is also establishing a PSC limit applicable to DAP. Rather than establish a numerical PSC limit for DAP, the Secretary is defining the PSC limit for DAP as the amount of Pacific halibut caught that would result in a mortality of 1,485 mt of Pacific halibut. This amount will be determined inseason by multiplying the groundfish catches by the assumed rates shown below and using the assumptions of mortality and assumed bycatches discussed above. The Council recognized that the current mix of groundfish TACs and apportionments thereof would arithmetically result in a catch of 7,203 mt of Pacific halibut. This amount of catch would result in a mortality of 3,544 mt, if each of the DAP and JVP groundfish specifications were caught. Rather than reduce groundfish TACs to generate a PSC limit that would result in a mortality of no more than 2,000 mt, the Council recommended that the Regional Director manage the overall harvest to accomplish the Council's objective relative to the mortality goal for halibut. This procedure will allow the Secretary to more accurately determine the appropriate Pacific halibut bycatch and mortality amounts during the season based directly upon observed and reported harvesting activity. Given that Pacific halibut bycatch and mortality rates vary with the type of gear, target species, and method of gear deployment, the Regional director will be able to calculate Pacific halibut bycatch and mortality based on actual groundfish harvests, thereby increasing the accuracy of the accounting procedures.

The Council also did not recommend JVP specifications of other groundfish species to support bycatch needs for the 10,000 mt flounder JVP. The JVP flounder fishery is not scheduled to start until September 15 to avoid excessive catches of Pacific halibut. The Council intended that the Regional Director would apportion other target groundfish species to JVP, which would support the flounder JVP fishery, if any amounts were determined to be surplus to DAP needs later in the year. If the Regional Director reapportions surplus DAP to JVP, the Secretary will also specify a PSC for JVP at that time. In the meantime, the Regional Director intends to monitor the DAP fishery and apply the assumed rates used in computing the PSC against the known groundfish catch. If the Regional Director determines that the catch of Pacific halibut by U.S. vessels fishing in DAP operations will reach a PSC limit, he will publish a notice in the **Federal Register** prohibiting fishing with trawl gear other than pelagic trawl gear for the rest of the year in the Gulf of Alaska, subject to § 672.20(f)(2)(iv).

Assumed rates that were used in computing the Pacific halibut PSC are shown in the following table:

TABLE OF HISTORICAL BYCATCH RATES (PERCENT) BY WEIGHT IN THE WESTERN (W) AND CENTRAL (C), AND EASTERN (E) REGULATORY AREAS USED TO CALCULATE THE PSC LIMITS FOR PACIFIC HALIBUT IN THE DAP 1989 GROUNDFISH FISHERIES

[Rates are from fisheries for groundfish with bottom trawls and mid-water trawls and from fisheries for Pacific cod and sablefish with hook-and-line gear]

	Bottom trawl	Mid-water trawl		Hook-and-line					
				Pacific cod			Sablefish		
	Gulf-wide	W	C	W	C	E	W	C	E
DAP	4.5	0.02	0.06	5.23	9.15	9.15	1.20	1.20	1.20
JVP	5.15	0.02	0.06	5.23	9.15	9.15	1.20	1.20	1.20

Certain of these rates are different than those published at 50 CFR 47993 (November 29, 1988). Differences are for Gulf-wide bottom trawl, midwater trawl in the Western Regulatory Area, and addition of rates to the Eastern Regulatory Area for hook-and-line gear. The 4.5 rate used for DAP Gulf-wide is updated from 2.53, using DAP data from the Alaska Department of Fish and Game observer program during January 1, 1987 through September 30, 1988. The 5.15 rate used for JVP Gulf-wide is updated from 2.53, using 1987 and 1988 NMFS-observed data on joint venture fisheries. The 0.02 rate used for DAP and JVP in the Western Regulatory Area is updated from 0.06, using 1987 NMFS-observed data on joint venture fisheries. The rates in the Eastern Regulatory Area are added and are set equal to those for the Central Regulatory Area, using the latter as the best available information.

5. Apportionments of Reserves to DAP

Under § 672.20(d)(1)(ii), the Secretary may reapportion to DAH any amounts of the reserves that he determines to be needed to supplement DAH as soon as practicable on April 1, June 1, and August 1, and on such other dates as he determines necessary. The Secretary is reapportioning all reserves except flounder to the DAP component of DAH, effective January 1, 1989, on the basis of the NMFS initial estimates of DAP needs. Under § 672.20(d)(5)(iv), when the Secretary determines that apportionment is required on dates other than those specified and he finds that apportioning additional amounts is necessary without affording a prior opportunity for public comment, he will invite such comments for a period of fifteen days after the effective date of the apportionment. Therefore, the Secretary is inviting comments on the reserve apportionment until February 24, 1989.

6. Inseason adjustment in the pollock fishery

As stated in the discussion of pollock, above, the Council has recommended that no more than 6,250 mt be harvested in Shelikof Strait, as a conservation measure, to protect pollock, which in past years has been harvested in Shelikof Strait to obtain roe from mature female pollock. The biomass of pollock in the Gulf of Alaska has declined after reaching a peak in 1981 and 1982. Depending on the various recruitment scenarios and catch levels used to forecast pollock abundance, the biomass was projected to rebuild to between 866,600 mt and 1,051,500 mt in 1988. Biomass estimates have been based on hydroacoustic surveys conducted in Shelikof Strait. These surveys have focused on aggregations of pollock while they are in spawning condition during March–April. Since few pollock were believed to be present outside Shelikof Strait during this time, the information obtained was thought to represent most of the pollock biomass occurring in the Western/Central Regulatory Area. In addition to the hydroacoustic survey, other information on pollock abundance has been obtained from bottom trawl surveys conducted elsewhere in the Gulf of Alaska every three years. The last such survey was conducted in 1987.

The 1988 hydroacoustic survey in Shelikof Strait produced a biomass estimate of only 330,000 mt, which is the lowest on record. The low biomass is attributed to poor recruitment of the 1984 year class, which would otherwise have recruited into the fishery in 1987 as 3-year old fish. In 1988, they should have been available as 4-year old fish.

Other information obtained from the 1987 triennial bottom trawl survey also shows a decline in pollock biomass. The decline appears to have occurred between 1984 and 1987. Biomass estimated from the 1987 bottom trawl survey was about 593,000 mt. Although the 1987 bottom trawl survey showed a decline in the status of pollock, the decline was not as large as the hydroacoustic survey suggests. Since the 1987 bottom trawl survey showed pollock to be in greater abundance than did the 1988 hydroacoustic survey, the premise is being questioned that hydroacoustic surveys in Shelikof Strait provide the best estimates of pollock abundance for the entire Western/Central Regulatory Area. Estimates can be made of total biomass if these surveys can be considered to only assess a portion of the total biomass. Using information from the 1986 hydroacoustic survey, the 1987 bottom trawl survey, and the 1988 hydroacoustic survey, the range of total biomass is between 330,000 mt and 593,000 mt.

The Secretary concurs with the Council's recommendation and hereby adjusts the TAC under § 672.22 such that no more than 6,250 mt of pollock may be harvested in the Shelikof Strait (Figure 1) as a conservation measure to protect pollock stocks. Coordinates defining Shelikof Strait are provided below. Since the Secretary must be able to monitor the pollock harvested from Shelikof Strait, he is establishing the 6,250 mt harvest limitation as a separate TAC, and hereby requests fishermen to use "621" as the statistical area for purposes of reporting Shelikof Strait pollock harvests, on catch reports required under § 672.5.

BILLING CODE 3510-22-M

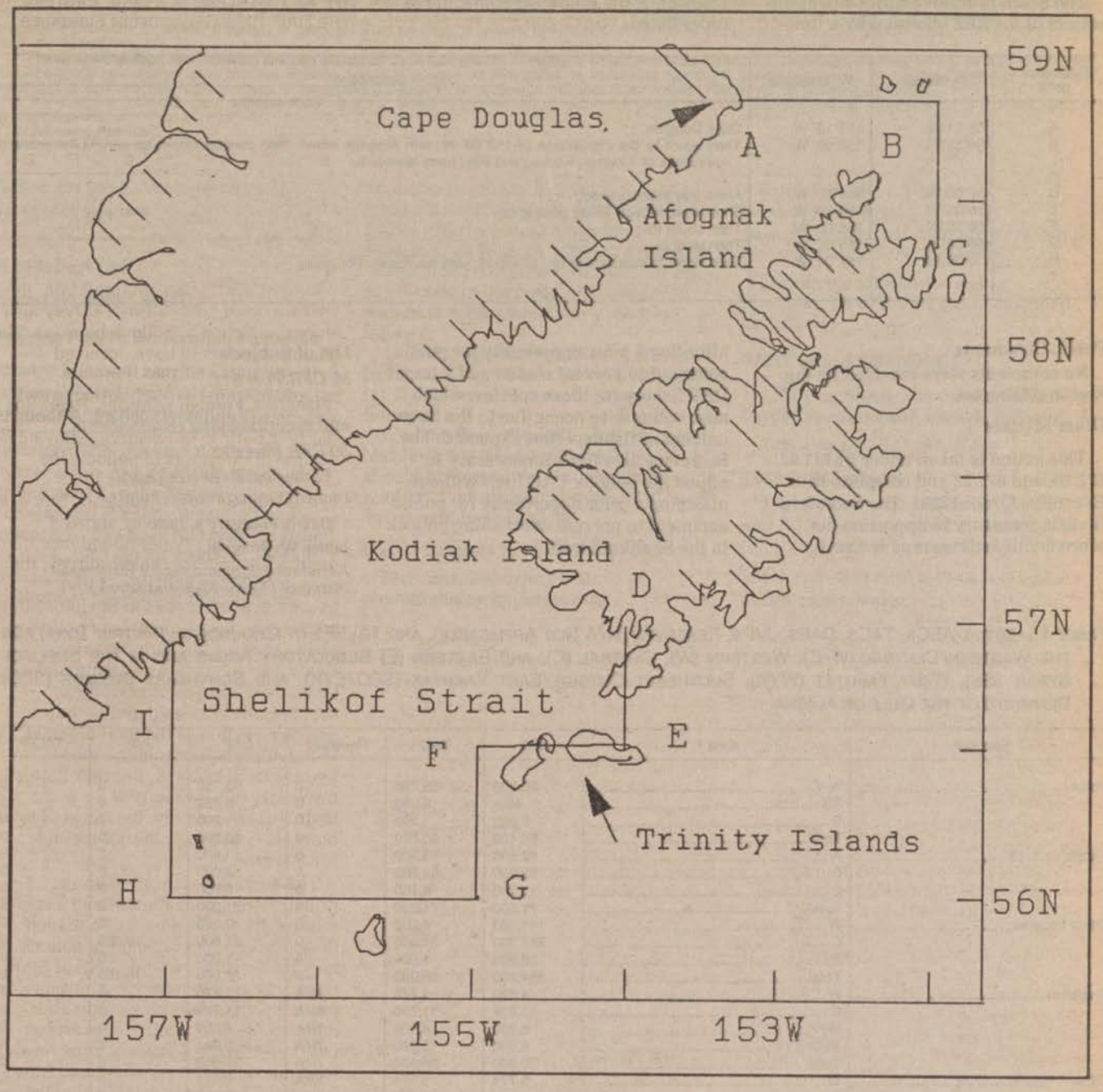

Figure 1

BILLING CODE 3510-22-C

The Shelikof Strait district means all waters of the EEZ enclosed by a line connecting the following points in the order listed:

Reference point	N. latitude	W. longitude	Description
A	58°51′ N.	153°15′ W.	Cape Douglas;
B	58°51′ N.	152°00′ W.	Then south to the intersection of 152°00′ W. with Afognak Island, then counter clockwise around the western shorelines of Afognak, Kodiak, and Raspberry Islands to;
C			
D	57°00′ N.	154°00′ W.	Alitak Bay then south to;
E	56°30′ N.	154°00′ W.	Then west through Trinity Islands to;
F	56°30′ N.	155°00′ W.	Then south to;
G	56°00′ N.	155°00′ W.	Then west to;
H	56°00′ N.	157°00′ W.	Then north to intersection of 157°00′ W. with the Alaska Peninsula.
I			

Public Comments

No comments were received by the Regional Director.

Other Matters

This action is taken under §§ 611.92, 672.20, and 672.22 and complies with Executive Order 12291. The Secretary finds it necessary to apportion the aforementioned reserves without affording a prior opportunity for public comment to prevent closures of a target DAP fishery for these species, which might otherwise occur due to the large amount of fishing effort expected. The Secretary also finds it necessary to adjust the pollock TAC limit without affording a prior opportunity for public comment to prevent overfishing pollock in the Shelikof Strait.

List of Subjects

50 CFR Part 611

Fisheries, Foreign relations, Reporting and recordkeeping requirements.

50 CFR Part 672

Fisheries, Reporting and recordkeeping requirements.

Dated: February 8, 1989.

James W. Brennan,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

TABLE 1.—INITIAL ABCs, TACs, DAPs, JVPs, RESERVES (N/A NOT APPLICABLE), AND TALFFs OF GROUNDFISH (METRIC TONS) FOR THE WESTERN/CENTRAL (W/C), WESTERN (W), CENTRAL (C), AND EASTERN (E) REGULATORY AREAS AND IN THE SHELIKOF STRAIT (SS), WEST YAKUTAT (WYK), SOUTHEAST OUTSIDE/EAST YAKUTAT (SEO/EYK), AND SOUTHEAST OUTSIDE (SEO) DISTRICTS OF THE GULF OF ALASKA

Species	Area [1]	ABC	TAC	Reserves	DAP	JVP	TALFF
Pollock	W/C	60,000	53,750	0	53,750	0	0
	SS	N/A	6,250	0	6,250	0	0
	E	3,400	200	0	200	0	0
	Total	63,400	60,200	0	60,200	0	0
Pacific cod	W	13,500	13,500	0	13,500	0	0
	C	52,000	52,000	0	52,000	0	0
	E	5,700	5,700	0	5,700	0	0
	Total	71,200	71,200	0	71,200	0	0
Other flounder	W	111,500	3,200	0	3,200	0	0
	C	384,300	31,800	0	21,800	10,000	0
	E	58,900	1,000	0	1,000	0	0
	Total	554,700	36,000	0	26,000	10,000	0
Sablefish	W	4,900	3,770	N/A	3,770	0	0
	C	13,900	11,700	N/A	11,700	0	0
	WYK	5,300	4,550	N/A	4,550	0	0
	SEO/EYK	6,800	5,980	N/A	5,980	0	0
	Total	30,900	26,000	N/A	26,000	0	0
Other [2] [3] Rockfish	W	5,774	5,774	N/A	5,774	0	0
	C	8,452	8,452	N/A	8,452	0	0
	E	5,774	5,774	N/A	5,774	0	0
	Total	20,000	20,000	N/A	20,000	0	0
Pelagic [4] Shelf Rockfish	W	1,000	500	N/A	500	0	0
	C	4,800	2,400	N/A	2,400	0	0
	E	800	400	N/A	400	0	0
	Total	6,600	3,300	N/A	3,300	0	0
Demersal shelf rockfish [5]	SEO	[7]	420	N/A	420	0	0
Thornyhead rockfish	GW	3,800	3,800	N/A	3,800	0	0
Other Species [6]	GW	N/A	11,046	0	11,046	0	0
Total			231,966	0	221,966	10,000	0

[1] See figure 1 of § 672.20 for description of regulatory areas/districts.

[2] The category "other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat and East Yakutat Districts includes Slope rockfish and Demersal shelf rockfish. The category "other rockfish" in the Southeast Outside District includes Slope rockfish.

[3] The category slope rockfish includes *Sebastes polyspinis* (Northern rockfish), *S. alutus* (Pacific ocean perch), *S. aleutianus* (Rougheye), *S. zacentrus* (Sharpchin), *S. borealis* (Shortraker), *S. aurora* (Aurora), *S. melanostomus* (Blackgill), *S. goodei* (Chilipepper), *S. crameri* (Darkblotch), *S. elongatus* (Greenstriped), *S. variegates* (Harlequin), *S. wilsoni* (Pygmy), *S. babcocki* (Red banded), *S. jordani* (Shortbelly), *S. diploproa* (Splitnose), *S. saxicola* (Stripetail), *S. miniatus* (Vermilion), and *S. reedi* (Yellowmouth).

[4] The category pelagic shelf rockfish includes *Sebastes melanops* (Black) *S. mystinus* (Blue) *S. ciliatus* (Dusky), *S. entomelas* (Widow), and *S. flavidus* (Yellowtail).

[5] The category demersal shelf rockfish includes *Sebastes paucispinis* (Bocaccio), *S. nebulosus* (China), *S. caurinus* (Copper), *S. maliger* (Quillback), *S. proriger* (Redstripe), *S. helvomaculatus* (Rosethorn), *S. brevispinis* (Silvergrey), *S. nigrocinctus* (Tiger), *S. ruberrimis* (Yelloweye), *S. pinningera* (Canary).

[6] The category "other species" includes Atka mackerel, sculpins, sharks, skates, eulachon, smelts, and octopus. The TAC is equal to 5 percent of the TACs of the target species.

[7] Unknown.

[FR Doc. 89-3361 Filed 2-9-89; 9:10 am]
BILLING CODE 3510-22-M

50 CFR Part 683

[Docket No. 80483-8147]

Western Pacific Bottomfish Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule; corrections.

SUMMARY: This document corrects several errors in a final rule for Amendment 2 to the Fishery Management Plan for Western Pacific Bottomfish. The final rule was published August 9, 1988 (53 FR 29907) in FR Doc. 88-17967. This correction makes no substantive changes. It redesignates several paragraphs in § 683.6 to take into account changes to § 683.6 made in a final rule, technical amendment published on June 29, 1988 (53 FR 24644).

The final rule document 88-17967 on page 29909 in the issue of Tuesday, August 9, 1988, should have read as follows:

1. In the first column, item 4 should have read, "In § 683.6, new paragraphs (e), (f), (g), and (h) are added as follows:"

2. In the first column, under regulatory text for § 683.6 General prohibitions, "k" should have read "e", "l" should have read "f", "m" should have read "g", and "n" should have read "h".

List of Subjects in 50 CFR Part 683

Fisheries, Reporting and recordkeeping requirements.

Dated: February 7, 1989.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR Part 683 is amended as follows:

PART 683—[AMENDED]

1. The authority citation for 50 CFR Part 683 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

§ 683.6 [Amended]

2. In § 683.6, paragraphs (k), (l), (m), and (n) are redesignated as paragraphs (e), (f), (g), and (h), respectively.

[FR Doc. 89-3255 Filed 2-10-89; 8:45 am]
BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 54, No. 28
Monday, February 13, 1989

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Parts 1933 and 1944

Self-Help Technical Assistance Grants

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to revise and redesignate its regulation for Self-Help Housing Technical Assistance Grants. This action is necessary to comply with OMB circulars. The intended effect is to encourage more communities to participate in the progam by permitting an organization with fewer employees to participate. It also permits the use of a predevelopment agreement to test the feasibility of the program in a community before making a major commitment of resources. It requires that organizations have a local membership base, and increases the amount of family labor in the building of homes. It incorporates, by reference or direct quote, OMB circulars that significantly affect participating grantees.

DATE: Comments must be received on or before April 14, 1989.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250. All written comments will be available for public inspection during regular work hours at the above address. The collection of information requirements contained in this rule have been submitted to OMB for review under section 3504(h) of the Paperwork Reduction Act of 180. Submit any comment to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Farmers Home Administration, Washington, DC 22053.

FOR FURTHER INFORMATION CONTACT: Cliff Herron, Senior Loan Officer, Single Family Housing Processing Division, Farmers Home Administration, USDA, Room 5346, South Agriculture Building, Washington, DC 20250, Telephone 202–382–1484.

SUPPLEMENTARY INFORMATION: This action was reviewed under USDA procedures established on Departmental Regulation 1512–1 which implements Executive Order 12291, and has been determined to be nonmajor, because the annual effect on the economy is less than $100 million. There is no major increase in cost or prices for consumers, individual industries, Federal, State, or local competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This program/activity is listed in the Catalog of Federal Domestic Assistance under number 10.420.

This program/activity is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See 7 CFR Part 3015, Subpart V (48 FR 291115, June 24, 1983) and FmHA Instruction 1940–J, "Intergovernmental Review of Farmers Home Administration Programs and Activities" (December 23, 1983).

This document has been reviewed in accordance with 7 CFR Part 1940, Subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

In compliance with the Regulatory Flexibility Act (Pub. L. 96–354), the Administrator of the Farmers Home Administration, has determined that this action will not have a significant economic impact on a substantial number of small entities because less than 100 rural communities will be affected annually.

The proposed changes to the regulation decrease the role and involvement of the National Office by placing more decision making authority at the state and district level. The proposal also requires a greater level of involvement by the communities being served than previously required. It further directs the program to assist those most in need of houses, who generally are families below 50 percent of area median income, living in substandard housing and/or otherwise lack the skills to be good homeowners. It requries a greater amount of family participation in the construction of their own homes. It is anticipated that this change will increase the amount of borrower labor by more than 30 pecent over what was previously required.

It changes the method used for accounting for borrower labor. The current regulation accounts for borrower labor by the number of hours contributed. The new method accounts for labor by the number of tasks performed. This method permits the use of modern construction techniques whereas the current regulation discourages their use because it could reduce the number of hours contributed.

It restricts the families who can participate in this program only to those who are approved for a section 502 loan. Previously, they could obtain other assistance as well; however, virtually everyone participating in this program in the past has done so by obtaining a section 502 loan. Therefore, it was decided to drop the reference to other sources of credit.

It gives the State Director more flexibility in directing the program to communities that may best benefit. The current method of determining the success of the program is based on the amount of saving as the difference between the cost of a contract built house and the cost of a self-help built house. This method has many flaws. It is difficult to establish the benchmark value, thereby, permitting generous funding of grantees in high cost areas and inadequate funding in low cost areas. As proposed, the State Director has greater flexibility in the use of the program and in determining the value to be placed on the self-help effort. The State Director can negotiate with the grantee on the method, amount of borrower contribution, and level of grant funding which will permit the program to be useful in rehabilitation and repair of dwellings.

The proposed regulation strengthens the supervision of the grantee by requiring the grantee to report quarterly on progress and for FmHA to determine whether their quarterly progress is on schedule. It requires FmHA to put delinquent grantees on notice and to offer them assistance so they will be successful. If after a 90 day period, the grantee is still unsuccessful, they will be terminated. This proposed change should assist more grantees to be successful.

List of Subjects

CFR Part 1933

Grant program—Housing and community development, Indians, Low and moderate income housing, Nonprofit organizations, Rural housing.

7 CFR Part 1944

Fair housing, Great programs—Housing and community development, Reporting and recordkeeping requirements, Rural housing.

As proposed, Subpart I of Part 1933, Chapter XVIII, Title 7, of the Code of Federal Regulations is revised and redesignated as Subpart I of Part 1944 as follows:

PART 1933—LOAN AND GRANT PROGRAM (GROUP)

1. The authority citation for Part 1933 continues to read as follows:

Authority: 42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70.

§§ 1933.401–1933.419 and Exhibits A–F [Removed and reserved]

2. Sections 1933.401 through 1933.419 and Exhibits A through F are removed and reserved (and consequently, Part 1933 is removed and reserved).

PART 1944—HOUSING

1. The authority citation for Part 1944 continues to read as follows:

Authority: 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

2. Subpart I is added to read as follows:

Subpart I—Self-Help Technical Assistance Grants

Sec.

Subpart I—Self-Help Technical Assistance Grants

§ 1944.401 Objective.

This subpart sets forth the policies and procedures and delegates authority for providing Technical Assistance (TA) funds to eligible applicants to finance programs of technical and supervisory assistance for self-help housing as authorized under section 523 of the Housing Act of 1949. This financial assistance may pay part or all of the cost of developing, administering, or coordinating programs of technical and supervisory assistance to aid needy very low- and low-income families in carrying out self-help housing efforts in rural areas. The primary purpose is to fund organizations that are willing to locate and work with families that otherwise do not qualify as homeowners. Generally these are families below 50 percent of median incomes, living in substandard housing, and/or lacking the skills to be good homeowners. Grantees will comply with the nondiscrimination regulation Subpart E of Part 1901 of this chapter which states that no person in the United States shall, on the grounds of race, color, national origin, sex, religion, or age be excluded from participating in, be denied the benefits of, or be subject to discrimination in connection with the use of grant funds.

§ 1944.402 Grant purposes.

FmHA may contract or make a grant to an organization to:

(a) Give technical and supervisory assistance to eligible very low- and low-income families as defined in Exhibit C of Subpart A of this part, in carrying out self-help housing efforts,

(b) Assist other organizations to provide technical and supervisory assistance to eligible families,

(c) Develop a final application, recruit families and related activities necessary to participate under paragraph (a) of this section.

§ 1944.403 Definitions.

(a) *Agreement.* The Self-Help Technical Assistance Agreement which is a document signed by Farmers Home Administration (FmHA) and the grantee which sets forth the terms and conditions under which TA funds will be made available. (Exhibit A of this subpart).

(b) *Agreement period (or grant period).* The period of time for which an agreement is in force.

(c) *Date of completion.* The date when all work under a grant is completed or the date in the TA grant agreement, or any supplement or amendment to it, when Federal assistance ends.

(d) *Disallowed costs.* Those charges to a grant which FmHA determines cannot be authorized.

(e) *Equivalent units.* Equivalent units represent the "theoretical number of units" arrived at by adding the equivalent percentage of completion figure for each family in the self-help program (pre-construction and actual construction) together at any given date during program operations. The sum of the percentage of completion figures for all participant families represent the total number of "theoretical units" completed at any point in time. Equivalent units are useful in measuring progress during the period of the grant and are not a measurement of actual accomplishments.

(f) *Equivalent value of modest housing.* The equivalent value of modest housing is the typical cost of recently

constructed (within the last 12 months) FmHA financed homes in the area plus the actual or projected cost of the site and site development. If no construction has taken place during the last twelve months, the value will be established by use of the Marshall and Swift cost handbook or a similar type of handbook. This value is established by FmHA.

(g) *Mutual self-help.* The construction method by which participating families organized in groups of 4 to 10 families utilize their own labor to reduce the total construction cost of their homes. Participating families complete construction work on their homes by an exchange of labor with one another. The mutual self-help method must be used for new construction unless an exception is obtained from the National Office under § 1944.427 of this subpart.

(h) *Organization.* (1) A State, political subdivision, or public nonprofit corporation (including Indian Tribes or Tribal corporations); or

(2) A private nonprofit corporation that is owned and controlled by private persons or interests and is organized and operated for purposes other than making gains or profits for the corporation and is legally precluded from distributing any gains or profits to its members.

(i) *Participating family.* Individuals and/or their families who agree to build homes by the mutual self-help method. Participants are families with low incomes who qualify for and will receive interest credits. Participating families must have the ability to furnish their share of the required labor input regardless of the age or sex of the head of household. The participating family must be approved for a Section 502 RH Loan before the start of construction, have sufficient time available to assist in building their own homes, and show a desire to work with other families. Each family in the group must contribute labor on each other's homes to accomplish the mandatory tasks plus at least 20 percent of the other tasks values listed in Exhibit C–2 of this subpart.

(j) *Self-help.* The construction method by which an individual family utilize their labor to reduce the construction cost of their home without an exchange of labor between participating families. Unless otherwise authorized by the District Director, this method is only funded for repair and rehabilitation type construction.

(k) *Sponsor.* An existing entity that is willing and able to assist an applicant, with or without charge, in applying for a grant and in carrying out responsibilities under the agreement. Examples of sponsors are local rural electric cooperatives, institutions of higher education, community action agencies and other self-help grantees. Also, when available, regional technical and management assistance contractors may qualify to serve as a sponsor at no charge.

(l) *Termination of a grant.* The cancellation of Federal assistance, in whole or in part, at any time before the date of completion.

(m) *Technical assistance.* The organizing and supervising of groups of families in the construction of their own homes including:

(1) Recruiting families who are interested in sharing labor in the construction of each other's homes and assisting such families in obtaining housing loans.

(2) Conducting meetings of the families to explain the self-help program and subjects related to home ownership, such as loan payments, taxes, insurance, maintenance, and upkeep of the property.

(3) Helping families in planning and development activities that lead to the acquisition and development of suitable building sites.

(4) Assisting families in selecting or developing house plans for homes which will meet their needs and which they can afford.

(5) Assisting families in obtaining cost estimates for construction materials and any contracting that may be reuired.

(6) Providing assistance in the preparation of loan applications.

(7) Providing construction supervision and training for families while they construct their homes.

(8) Providing financial supervision to individual families with section 502 Rural Housing (RH) loans which will minimize the time and effort required by FmHA in processing borrower expenditures for materials and contract services.

(9) Assisting families in solving other housing problems.

§ 1944.404 Eligibility.

To receive a grant, the applicant must:

(a) Be an organization as defined in § 1944.403(h) of this Subpart.

(b) Have the financial, legal, administrative, and actual capacity to assume and carry out the responsibilities imposed by the Agreement. To meet the requirement of actual capacity it must either:

(1) Have necessary background and experience with proven ability to perform responsibly in the field of mutual self-help or other business management or administrative ventures which indicate an ability to perform responsibly in the field of mutual self-help; or

(2) Be sponsored by an organization with background, experience, ability, which agrees in writing to help the applicant to carry out its responsibilities.

(c) Legally obligate itself to administer TA funds, provide adequate accounting of the expenditure of such funds, and comply with the Agreement and FmHA regulations.

(d) If the organization is a private nonprofit corporation, meet the following conditions:

(1) Be a corporation organized for the primary purpose of assisting very low- and low-income families to obtain adequate housing.

(2) Have a local membership base of at least 30 people.

(3) Adopt, if it is being newly organized, Articles of Incorporation and Bylaws, which include the purposes and powers of an eligible applicant under this subpart.

(4) Have a Board of Directors which consist of not less than five but generally not more than nine members.

(5) If currently engaged or plan to become engaged in activities other than the operation of the TA grant, provide documentation as to the percentage of salaries, cost of space, phones, etc., that will be charged to each activity.

§ 1944.405 Authorized use of grant funds.

(a) Payment of salaries of personnel as authorized in the Agreement.

(b) Payment of necessary and reasonable office expenses such as office rental, office utilities, and office equipment rental. The purchase of office equipment is permissible when the grantee determines it to be more economical than renting.

(c) Purchase of office supplies such as paper, pens, pencils, and trade magazines.

(d) Payment of necessary administrative costs including but not limited to items such as Worker's Compensation, liability insurance, audit reports, travel and training, and employer's share of social security and health benefits.

(e) Purchase, lease, or maintenance of power or specialty tools such as a power saw, electric drill, sabre saw, ladders, and scaffolds, which are needed by the participating families. The participating families, however, are expected to provide their own hand tools such as hammers and handsaws.

(f) Funding a tax deferred pension plan for permanent employees. The organization's contribution, in any year, may not exceed 5 percent of the employee's salary or $2000, whichever is less.

(g) Payment of reasonable fees for training of grantee personnel including board members. This may include the cost of travel and per diem to attend in or out-of-State training as authorized by the board of directors and, when necessary, for the employee to do the current job.

(h) Payment of services rendered by a sponsor or other organization after the grant is closed and when it is determined the sponsor can provide the necessary services which will result in an overall reduction in the cost of assistance. Typically, this will be limited to new grantees and an existing grantee for the period of time that its size or activity does not justify a full staff. A full staff is a full or part-time director, project worker, secretary-bookkeeper, and a construction supervisor.

(i) Payment of certain consulting and legal costs required in the administration of the grant if such service is not available without cost. This does not include legal expenses for claims against the Federal Government. (Legal costs that may be incurred by the organization for the benefit of the participating families may be paid with prior approval of the State Director).

(j) Payments of the cost of an accountant to set up an accounting system and perform audits that may be required.

(k) Payments of reasonable expenses of board members for attending regular or special board meetings.

§ 1944.406 Prohibited use of grant funds.

(a) Hiring personnel specifically for the purpose of performing any of the construction work for participating families in the self-help projects.

(b) Buying real estate or building materials or other property of any kind for participating families.

(c) Paying any debts, expenses, or costs which would be the responsibility of the participating families in the self-help projects.

(d) Paying for training of an employee which is beyond what is necessary for the employee to perform his or her current job or that would give him or her an advantage for future advancement.

(e) Paying costs (including salaries) that are not directly related to helping very low- and low-income families obtain housing consistent with the objectives of this program.

§ 1944.407 Limitations.

The amount of the TA grant depends on the experience and capability of the applicant and must be justified on the number of families to be assisted. As a guide, the maximum grant amounts for any grant period will be limited to:

(a) An average TA cost per unit of no more than 12 percent of the cost of equivalent value of modest homes built in the area. (Upon request, the County Supervisor will provide the grantee the average cost of modest homes for the area); or

(b) An average TA cost per unit that does not exceed the difference between the equivalent value of modest homes in the area and the average mortgage of the participating families plus $1,000; or

(c) A TA cost that not not exceed an amount established by the State Director. The State Director may authorize a greater TA cost than paragraph (a) or (b) of this section when needed to accomplish a particular objective, such as requiring the grantee to serve very low-income families, remote areas, or similar situations; or

(d) A negotiated amount for repair and rehabilitation type proposals.

§ 1944.408 [Reserved]

§ 1944.409 Executive Order 12372.

The Self-Help Program is subject to the provision of Executive Order 12372 which requires intergovernmental consultation with State and local officials. Under Subpart J of Part 1940 of this chapter, "Intergovermental Review of Farmers Home Administration Program Activities," (available in any FmHA office), new applicants for the Self-Help Program must submit their Statement Activities to the State single point of contact prior to submitting their preapplication to FmHA. The name of the point of contact is available from the FmHA State Office.

§ 1944.410 Processing preapplications, applications, and completing grant dockets.

(a) *Form SF–424, "Application for Federal Assistance."* Form SF–424 is an original and one copy must be submitted by the applicant to the District Director. It will be used to establish communication between the applicant and FmHA, determine the applicant's eligibility, determine how well the project can compete with similar applications from other organizations and eliminate any proposals which have little or no chance for Federal funding before applicants incur significant expenditures for preparing an application. The following information will be attached to and become a part of the preapplication, as Part IV, Program Narrative Statement:

(1) Complete information about the applicant's previous experience and capacity to carry out the objective of the agreement.

(2) If the applicant is already formed, a copy of or an accurate reference to the specific provisions of State law under which the applicant is organized; a certified copy of the applicant's Articles of Incorporation and Bylaws or other evidence of corporate existence; certificate of incorporation for other than public bodies; evidence of good standing from the State when the corporation has been in existence 1 year or more; the names and addresses of the applicant's members, directors, and officers; and, if another organization is a member of the applicant-organization, its name, address, and principal business. If the applicant is not already formed, attach copies of the proposed organizational documents as outlined in § 1944.404(d)(3) of this subpart.

(3) A current (less than 6 months) dated and signed financial statement showing the amounts and specific nature of assets and liabilities together with information on the repayment schedule and status of any debt owed by the applicant. If the applicant is being sponsored by another organization, the same type of financial statement also must be provided by the applicant's sponsor.

(4) A narrative statement which includes information about the amount of the grant funds being requested, area(s) to be served, need for self-help housing in the area(s), the number of self-help units proposed to be built, rehabilitated or repaired during the agreement period, housing conditions of low-income families in the area and reasons why families need self-help assistance. Evidence should be provided that the communities support the activity and that there are low-income families willing to contribute their labor in order to obtain adequate housing. The pre-application may contain information such as census materials, local planning studies, surveys, or other readily available information which indicates a need in the area for housing of the type and cost to be provided by the proposed self-help TA program.

(5) A plan of how the organization proposes to reach very low-income families living in houses that are deteriorated, dilapidated, overcrowded, and/or lack plumbing facilities.

(6) A proposed budget, staffing plan and projected cost of the dwelling to be built.

(7) A preliminary survey as to the availability of lots and projects cost of the sites.

(8) A list of other activities the applicant is engaged in and expects to continue and a statement as to other sources of funding and whether it will have sufficient funds to assure continued operation of the other

activities for at least the period of the agreement.

(9) Whether assistance under paragraph (d) of this section is requested and a brief narrative identifying the need, amount of funds needed, and projected time period.

(b) *Preapplication review.* (1) The District Director, within 30 days of receipt of the preapplication, Form SF–424 and all other required information and material will complete a thorough review for completeness, accuracy, and conformance to program policy and regulations. Incomplete preapplications will be returned to the applicant for completion. The applicant should be given the name of the regional technical assistance contractor. The County Supervisor in the prospective county will be contacted as to the need for the program in the proposed area and if the necessary resources are available to the grantee. This will include a discussion of the number of 502 and 504 units that will need to be committed to the grantee and the potential work impact on the office during the grant period. If it is determined that the county office lacks the resources (either personnel or funds) to process all loan requests in a timely manner, the District Director must communicate this need to the State Director along with a recommended solution. (Lack of resources at the county level are not grounds to deny a request). After the District Director has determined that the preapplication is complete and accurate, the District Director will assemble the material in an applicant case file and forward it to the State Director. The case file, as a minimum, must contain the following:

(i) Form SF–424, "Application for Federal Assistance",

(ii) Original and one copy of Form FmHA 1940–20, "Request for Environmental Information," and

(iii) Eligibility recommendations.

(2) The State Director may, if needed, submit the organizational documents with any comments or questions to OGC for a preliminary opinion as to whether the applicant is or will be a legal organization of the type required by these regulations and for advice on any other aspects of the preapplication.

(3) The State Director, if unable to determine eligibility or qualifications with the advice of the OGC, may submit the preapplication to the National Office for review. The preapplication will contain all memoranda from OGC giving the results of its review. The State Director will identify in the transmittal memorandum to the National Office the specific problem and will recommend possible solutions and any information about the applicant which would be helpful to the National Office in reaching a decision.

(4) After an eligibility determination has been made—which should be completed within 30 days unless OGC is involved—the State Director will:

(i) If the applicant is eligible, contact the National Office as to the availability of funds or submit the proposal to the National Office for authorization if the requested amount exceeds the State Director's approving authority. If funds are available, the final review officer, either the State Director or the Assistant Administrator, Housing will issue a letter of conditions that the applicant must meet and direct the District Director to issue Form AD–622, "Notice of Preapplication Review Action."

(ii) If the applicant is determined not eligible, the State Director will direct the District Director to issue Form AD–622, "Notice of Preapplication Review Action."

(c) *Form AD–622, "Notice of Preapplication Review Action."* (1) If the applicant is eligible and after the State Director has returned the preapplication information and the executed original Form FmHA 1940–20 to the District Office, the District Director will, within 5 days, prepare and issue Form AD–622, "Notice of Preapplication Review Action." The original Form AD–622 will be signed and delivered to the applicant along with the letter of conditions, a copy to the applicant's case file, a copy to the County Supervisor, and a copy to the State Director.

(2) If the applicant is not eligible and after the State Director has returned the preapplication information, the District Director will within 5 days notify the applicant on Form AD–622. The notification will inform the applicant that an appeal of the decision may be made to the National Appeals Staff under Subpart B of Part 1900 of this chapter.

(3) If the applicant is eligible and no funds are available, the State Director will return the preapplication information to the District Director who will, within 5 days, notify the applicant on Form AD–622. The notification will explain the facts concerning the lack of funding and that FmHA will notify them when funding will be available. This is not an appealable decision.

(d) *Self-help technical assistance grant Predevelopment agreement.* If the grantee requested predevelopment assistance and the State Director determines that the applicant lacks the financial resources to meet the conditions of grant approval, a grant of up to $10,000 and for up to six months will be made in order for the applicant to provide what is required by paragraph (e) of this section. This is a one time grant and is available only after the letter of conditions has been issued. Denial of this assistance is an appealable decision under Subpart B of Part 1900 of this chapter.

(e) *Form SF–424, "Application for Federal Assistance."* The applicant will submit Form SF–424 in an original and one copy to the District Director. The application should provide a detailed proposal of its goals including:

(1) Names, addresses, number in household, and total annual household income of families who have been contacted by the applicant and are interested in participating in a self-help housing project. Community organizations including minority organizations may be used as a source of names of people interested in self-help housing.

(2) Proof that the first group of prospective participating self-help families have qualified for financial assistance from FmHA.

(3) Evidence that lots are optioned by the prospective participating self-help families for the first group. Evidence that lots are available for the remaining groups.

(4) Detailed cost estimates of houses to be built by the mutual self-help method. Plans and specifications should be submitted with the cost estimates.

(5) Proposed staffing need, including qualifications, experience, proposed hiring schedule, and availability of any prospective employees.

(6) Name, address, and official position of the applicant's representative or representatives authorized to act for the applicant and work with FmHA.

(7) Budget information including a detailed budget for the Agreement period based upon the needs outlined in the proposal.

(8) Indirect or direct cost policy and proposed indirect cost rate developed in accordance with OMB Circular No. A–122 (available in any FmHA District Office) and included.

(9) Personnel procedures and practices that will be established or are in existence. Forms to be used should be submitted with the application.

(10) A proposed monthly activities schedule showing the proposed dates for starting and completing the recruitment, loan processing and construction phases for each group of participant families.

§ 1944.411 Conditions for approving a grant.

A grant may be approved for an eligible applicant when the conditions in

the letter of conditions are met and the following conditions are present:

(a) The applicant has or can hire, or contract directly or indirectly with, qualified people to carry out its responsibilities in administering the grant.

(b) The applicant has met all of the conditions listed in § 1944.410(e) of this subpart.

(c) The grantee furnishes a signed statement that it complies with the requirements of the appropriate OMB Circulars (available in any FmHA District Office) and the Departmental regulations found at 7 CFR Parts 3015 and 3016. The OMB Circulars include but are not necessarily limited to the following:

(1) Circular No. A–21, "Cost Principles for Educational Institutions."

(2) Circular No. A–87, "Cost Principles for State and local Governments."

(3) Circular No. A–102, "Grants and Cooperative Agreements with State and Local Governments."

(4) Circular No. A–110, "Grants and Agreements with Institutions of Higher Education, Hospitals and other Non-Profit Organizations."

(5) Circular No. A–122, "Cost Principles for Non-Profit Organizations."

(d) A resolution has been adopted by the board of directors which authorizes the appropriate officer to execute Exhibit A, "Self-Help Technical Assistance Grant Agreement," and Form FmHA 400–1, "Equal Opportunity Agreement."

(e) The grantee has a fidelity bond which provides coverage for its officers and employees who are entrusted with the receipt, custody, or disbursement of funds, and the custody of any other negotiable or readily salable personal property. The minimum amount of the bond must be at least equal to the maximum amount of liquid assets available to any one person at any one time. If not prohibited by State law, the United States of America is to be named co-obligee.

(f) The grantee has or agrees in writing to establish, within one month after closing, a record keeping system that is certified by a certified public accountant to be adequate to meet the Agreement. Failure to provide evidence of a certified accounting system is a reason for termination of the grant.

(g) The grantee has establisned an interest bearing checking account on which at least two bonded officials will sign all checks issued and understands that interest earned in excess of $100.00 annually must be submitted to FmHA quarterly. (The use of minority depository institutions is encouraged.)

(h) The grantee has developed an agreement to be executed by the grantee and the self-help participants which clearly sets forth what is expected of each and has incorporated Exhibit C–2, "Breakdown Of Construction Development," as a part of it which clearly shows what work is expected of the participating family.

§ 1944.412 Docket preparation.

When the application and all items required for the complete docket have been received, the District Director will thoroughly examine it to ensure the application has been properly and accurately prepared and that it includes the required dates and signatures. The docket items will be assembled and distributed by the District Director in the following order:

Form number	Name of form or document	Total No. of copies	Signed by applicant	Number for agreement docket	Copy for applicant
SF–424	Application for federal assistance	3	1	1–O&1C	1–C.
AD–622	Notice of Pre-application review action	2		1–C	1–O.
FmHA 1940–1	Request for obligation of funds	4	2	3–O&2C	1–C.
FmHA 400–4	Assurance agreement	2	1	1–O	1–C.
	Certified copy authorizing resolution	1	1	1–O	
	Self-Help Technical Assistance Grant Agreement (Exhibit A).	2	1	1–O	1–C.
	Any personnel forms to be used	2		1–O	1–C.

O=Original.
C=Copy.

§ 1944.413 Grant approval.

(a) *Approval of grant.* Within 30 days of the grantee meeting the conditions of § 1944.411 of this subpart, the approving official will:

(1) Execute and distribute Form FmHA 1940–1 in accordance with the Forms Manual Insert (FMI).

(2) Prepare and distribute Form FmHA 071–1, "Project Information Card," in accordance with FmHA Instruction 2015–C (available in any FmHA State Office.)

(3) After the Finance Office acknowledges that funds are obligated, request an initial advance of funds on Form FmHA 440–57, "Acknowledgement of Obligated Funds/Check Request," in accordance with the FMI. The amount of this request should cover the applicant's needs for the remainder of the month in which the grant is closed plus the next month. Subsequent advances will cover only a one month period.

(b) *Cancellation of an approved grant.* An approved grant may be canceled before closing if the applicant is no longer eligible, the proposal is no longer feasible, or the applicant requests cancellation. Cancellation will be accomplished as follows:

(1) The District Director will prepare Form FmHA 1940–10, "Cancellation of U.S. Treasury Check and/or Obligation," according to the (FMI) and send it to the State Director with the reasons for cancellation. If the State Director approves the request, Form FmHA 1940–10 will be returned to the District Office for processing in accordance with the FMI.

(2) The District Director will notify the applicant of the cancellation and the right to appeal under Subpart B of Part 1900 of this chapter. If the applicant requested the cancellation, no appeal rights are provided, but the applicant will still be notified of the cancellation.

(c) *Disapproval of grant.* If a grant is disapproved after the docket has been developed, the approving official will state the reason on the original Form FmHA 1940–1, or in a memorandum to the District Director. The District Director will notify the applicant in writing of the disapproval and the reason for disapproval. Also, the notification will inform the applicant of its appeal rights under Subpart B of Part 1900 of this chapter.

§ 1944.414 [Reserved]

§ 1944.415 Grant approval and other approving authorities.

(a) The State Director is authorized to approve or disapprove TA grants under this subpart. For a grant in excess of $300,000, or in the case of a grant

amendment when the amount of the grant plus any unexpended funds from a previous grant will exceed $400,000, prior written consent of the National Office is required. In such cases, the docket along with the State Director's recommendations must be submitted to the National Office for review.

(b) The State Director may approve a grant not to exceed $10,000 to an eligible organization under § 1944.410(d) of this subpart. The grant must be limited to 6 months and funds must be used for the development of the final application, family recruitment, and related activities.

(c) The authority to contract for services is limited to the Administrator of FmHA.

(d) Monthly expenditures of the grantee will normally be approved by the District Director unless:

(1) The grantee operates in only one country, in which case the authority may be delegated to the County Supervisor.

(2) The grantee operates in more than one FmHA District, in which case the State Director will designate the approving official.

(3) The grantee operates in more than one State Director's jurisdiction, in which case the Administrator will designate the approving official.

(4) The expenditure is under contract authority, in which case the Contracting Official Representative will approve the monthly expenditure.

§ 1944.416 Grant closing.

The grant is closed on the date funds are advanced and the Agreement as defined in § 1944.403(a) is executed by the applicant and the government. If the Agreement is executed on other than the date funds are advanced, then the closing date is the day the Agreement is executed. Funds may not be advanced prior to the signing of the Agreement. The District Director or Assistant District Director are authorized to execute the Agreement for the Farmers Home Administration. Person(s) authorized by resolution may sign for the applicant.

§ 1944.417 Servicing actions after grant closing.

FmHA has a responsibility to help the grantee be successful and help the grantee avoid cases of fraud and abuse. Servicing actions also include correlating activities between the grantee and FmHA to the benefit of the participating families. The amount of servicing actions needed will vary in accordance with the experience of the grantee, but as a minimum the following actions are required:

(a) Monthly, the grantee will provide the District Director with a request for additional funds on Form SF–270, "Request for Advance or Reimbursement." This request need only show the amount of funds used during the previous month, amount of unspent funds, projected need for the next 30 days, and written justification if the request exceeds the projected need for the next 30 days. This request must be in the District Director's office fifteen days prior to the beginning of the month. Upon receipt of the grantee's request, the District Director will:

(1) If the request appears to be in order, process Form FmHA 440–57 so that delivery of the check will be possible on the first of the next month.

(2) If the request does not appear to be in order, immediately contact the grantee to resolve the problem. After the contact:

(i) If the explanation is acceptable, process Form FmHA 440–57 so delivery may be possible by the first of the next month, or

(ii) If the explanation is not acceptable, request the amount of funds that appear reasonable for the next 30 days on Form FmHA 440–57. The unapproved funds request will be held in abeyance until further explanation is received and then either disapproved or added to the next month's request.

(b) Quarterly, the grantee will submit Exhibit C of this subpart (Evaluation Report of Self-Help Technical Assistance Grants) in an original and three copies of the County Supervisor on or before January 15, April 15, July 15 and October 15 which will verify its progress toward meeting the objectives stated in the Agreement and the application. The County Supervisor will immediately complete the County Office Review part and forward the report to the District Office. After Exhibit C is received in the District Office a meeting should be scheduled between the grantee, District Director, and the County Supervisor since this is an opportune time for both the grantee and FmHA to review progress to date and make necessary adjustments for the future. This meeting is required if the grantee was previously identified as a problem grantee or will be identified as a problem grantee at this time. Regardless of whether a meeting will be held, the following will be done:

(1) Exhibit C and other information will be evaluated to determine progress made to date. The District Director will comment on Exhibit C as to whether the grantee is ahead or behind schedule in each of the following areas:

(i) *Assisting the projected number of families.*

(ii) *Serving very low-income applicants.* Is the grantee reaching a minimum of 40 percent very low-income families with each group?

(iii) *Equivalent units (EUs).* Is the number of EUs completed representative of lapse in time of the grant? For example, if 25 percent of the grant period has elapsed, are 25 percent of the number of EUs completed?

(iv) *Labor contributions by the family.* Are the families working together and are they completing the labor tasks as established on Exhibit C–2?

(v) *Use of grant funds.* Are grant costs within the limits defined in § 1944.407 of this subpart?

(2) The District Director will submit Exhibit C to the State Director who will evaluate the quarterly report along with the District Director's comments. If the State Director determines the grantee is progressing satisfactorily, the State Director will sign and forward Exhibit C to the National Office. However, if the State Director determines the grantee is not performing as expected, the State Director will notify the grantee that they have been classified as "High Risk" grantee. The notice will specify the deficiencies and what action needs to be taken to correct the deficiencies and will give the grantee at least 90 days to take corrective action. The notice will advise the grantee that FmHA is available to assist and provide the name and address of an organization that is under contract with FmHA to assist them. Next, the State Director will forward a copy of Exhibit C, District Directors comments, and the reasons for classifying them as "High Risk" to the National Office, Single Family Housing, Special Programs Branch. When the period of time provided for corrective action has expired, an assessment will be made of the progress by the grantee toward correcting the situation. If the State Director determines:

(i) The situation has been corrected or reasonable progress has been made toward correcting the situation, the "High Risk" status will be lifted and the grantee so notified.

(ii) The situation has not been corrected but it is correctable if additional time is granted, an extension will be issued.

(iii) The situation has not been corrected and it is unlikely to be corrected if given additional time, the grant will be terminated under § 1944.426(b)(1) of this subpart.

§ 1944.418 [Reserved]

§ 1944.419 Final grantee evaluation.

Between the 18th and 24th month of the grant period, an evaluation of the grantee will be conducted by FmHA. The State Director may use FmHA employees or an organization under contract to FmHA to provide the evaluation. The evaluation is to determine how successful the grantee was in meeting goals and objectives as defined in the agreement, application, this regulation, and any amendments.

(a) This is a quantitative evaluation of the grantee to determine if it met its goals in:

(1) Assisting the projected number of families in obtaining adequate housing.

(2) Meeting the goal of assisting very low-income families.

(3) Meeting the family labor requirement in § 1944.411(h) and Exhibit C–2 of this subpart.

(4) Keeping costs within the guide set in § 1944.407, and

(5) Meeting other objectives in the Agreement.

(b) The evaluation is a narrative addressed to the State Director with a copy to the National Office, Single Family Housing Processing Division. It will be in 3 parts, namely; findings, recommendations, and an overall rating. The rating will be either unacceptable, acceptable, or outstanding, as follows:

(1) Outstanding if the grantee met or exceeded all of the goals in paragraph (a) of this section.

(2) Acceptable if the grantee met or exceeded all of the goals as defined in paragraph (a) except two, or

(3) Unacceptable if the grantee failed to obtain an acceptable rating.

(c) After the State Director has reviewed the evaluation, a copy will be mailed to the grantee. The grantee may request a review of the evaluation with the District Director. This review is for clarification of the material and to dispute the findings if they are known to be wrong. The rating is not open for discussion except to the extent it can be proven that the findings do not support the rating. If this is the case, the District Director will file an amendment to the State Director.

§ 1944.420 Extension or revision of the grant agreement.

The State Director may authorize the District Director to execute on behalf of the Government Exhibit D of this subpart, "Amendment to Self-Help Technical Assistance Grant Agreement," at any time during the grant period provided:

(a) The extension period is for no more than one year from the final date of the existing Agreement.

(b) The need for the extension is clearly justified.

(c) If additional funds are needed, a revised budget is submitted with complete justification, and

(d) The grantee is within the guidelines in § 1944.407 of this subpart or the State Director determines that the best interest of the government will be served by the extension.

§ 1944.421 Refunding of an existing grantee.

Grantees wishing to continue with self-help efforts after the end of the current grant plus any extensions should file Form SD–424, "Application for Federal Assistance," in accordance with § 1944.410(e). It is recommended that it be filed at least 6 months before the end of the current grant period. Funds from the existing grant may be used to meet the conditions of a new grant provided the area to be served is the same geographic area, as defined in the current grant. In addition to meeting the conditions of an applicant as defined in § 1944.411 of this subpart, the grantee must also have received or will receive an acceptable rating on its current grant unless an exception is granted by the State Director. The State Director may grant an exception to the rating if it is determined that the reasons causing the previous unacceptable rating have been removed or will be removed with the approval of this grant.

§ 1944.422 Audit and other report requirements.

The grantee must submit Form SF–269A, "Financial Status Report," to the appropriate FmHA District Office annually (or biannually if a State or local government with authority to do a less frequent audit requests it) and within 90 days of the end of the grant period or termination of the grant. The audit, conducted by the grantee's auditors, is to be performed in accordance with Generally Accepted Government Auditing Standards (GAGAS), using the publication, "Standards for Audit of Governmental Organizations, Programs, Activities and Functions," developed by the Comptroller General of the United States in 1981, and any subsequent revisions. In addition, the audits are also to be performed in accordance with various Office of Management and Budget (OMB) Circulars and FmHA requirements as specified in this subpart.

(a) *Nonprofit organizations and others.* These organizations are to be audited in accordance with FmHA requirements, and OMB Circular A–110, "Uniform Requirements for Grants to Universities, Hospitals, and Other Nonprofit Organizations." These requirements also apply to public hospitals, public colleges, and universities if they are excluded from the audit requirements of paragraph (b) of this section.

(1) An audit conducted by the grantee's auditor shall be supplied to the FmHA District Director as soon as possible but in no case later than ninety (90) days following the period covered by the grant agreement.

(2) Auditors shall promply notify USDA OIG Regional Inspector General and the FmHA District Office, in writing, of any, indication of fraud, abuse, or illegal acts in grantees use of grant funds or in the handling of borrowers accounts.

(3) Nonprofit organizations that receive less than $25,000 a year in Federal financial assistance need not be audited.

(b) *State and local governments and Indian tribes.* These organizations are to be audited in accordance with this subpart and OMB Circular A–128 and A–102, with copies of the audits being forwarded by the grantee to the FmHA District Director and the appropriate Federal cognizant agency. "Cognizant agency" means the federal agency assigned by OMB Circular A–128. Within the Department of Agriculture (USDA), the OIG shall fulfill cognizant agency responsibilities. Smaller grantees not assigned a cognizant agency by OMB should contact the Federal agency that provided the most funds. When USDA is designated as the cognizant agency or when it has been determined by the borrower that FmHA provided the major portion of Federal financial assistance, the State Director will contact the appropriate USDA OIG Regional Inspector General. FmHA and the borrower shall coordinate all proposed audit plans with the appropriate USDA OIG.

(1) State and local governments and Indian tribes that receive $25,000 or more a year in Federal financial assistance shall have an audit made in accordance with OMB Circular A–128.

(2) State and local and Indian tribes that receive less than $25,000 a year in Federal financial assistance shall be exempt from OMB Circular A–128.

(3) Public hospitals and public colleges and universities may be excluded by the State Director from OMB Circular A–128 audit requirements. If such entities are excluded, audits

shall be made in accordance with paragraph (a) of this section.

§ 1944.423 Loan packaging and 502 RH application submittal.

A grantee is required to assist 502 RH applicants in submitting their application for a rural housing loan. Loan packaging will be performed in accordance with Exhibit A of Subpart A of part 1944 of this chapter, therefore, it is important that the grantee be trained at an early date in the packaging of rural housing loans. Typically this training should take place before the first applications are submitted to the County Office and before the grant is closed. A grantee should become very knowledgeable of FmHA's eligibility requirements but must understand that only FmHA can approve or deny an applicant assistance. A grantee should never place itself in a position where it appears to disagree with the eligibility decision of FmHA. However, the grantee may ask for clarification that may be helpful in working with future applicants. Grant funds may not be used to pay any expense in connection with an appeal that the applicant may file or pursue.

§ 1944.424 Dwelling construction and standards.

All construction will be performed in accordance with Subpart A of Part 1924 of this chapter. The planned work must meet the building requirements of Subpart A of Part 1944 of this chapter and meet the building codes as defined Subpart A of Part 1944 of this chapter and in any local codes. Building sites must conform to the requirements of Subpart C of Part 1924 of this chapter.

§ 1944.425 Handling and accounting for borrower loan funds.

Grantees will be required to administer borrower loan funds during the construction phases. The extent of their involvement will depend on the experience of the grantee and the amount of authority delegated to them by the District Director in accordance with § 1924.6(c) of Subpart A of Part 1924 of this chapter.

§ 1944.426 Grant closeout.

(a) *Grant purposes completed.* Promptly after the date of completion, grant closeout actions will be taken to allow the orderly discontinuance of grantee activity.

(1) The grantee will immediately refund to FmHA any balance of grant funds advanced that are not committed for the payment of authorized expenses as prescribed in § 1951.58(j) of FmHA Instruction 1951–B (available in any FmHA Office).

(2) The grantee will furnish Form SF–269A (Financial Status Report) to FmHA within 90 days after the date of completion of the grant. All other financial, performance, and other reports required as a condition of the grant also will be completed.

(3) The grantee will account for any property acquired with TA grant funds or otherwise received from FmHA.

(4) After the grant closeout, FmHA retains the right to recover any disallowed costs which are discovered as a result of the final audit. Subpart M of Part 1951 of this chapter will be used by FmHA to recover any unauthorized expenditrues.

(5) The grantee will provide FmHA an audit conforming to those requirements established in this part, including audits of self-help borrower accounts.

(6) Upon request from the recipient, any allowable reimbursable cost not covered by previous payments shall be promptly paid by FmHA.

(b) *Grant purposes not completed*—(1) *Notification of termination.* The State Director will promptly notify the grantee and the National Office in writing of the termination action including the specific reasons for the decision and the effective date of the termination. The notification to the grantee will specify that if the grantee believes the reason for the proposed termination can be resolved, the grantee should, within 15 calendar days of the date of this notificaiotn, contact the State Director in writing requesting a meeting for further consideration. The meeting will be an informal proceeding at which the grantee will be given the opportunity to provide whatever additional information it believes should be considered in reaching a decision concerning the case. The grantee may have an attorney or any other person present at the meeting if desired. Within 7 calendar days of the meeting, the State Director will determine what action to take.

(i) If the State Director determines that termination is not necessary, the grantee will be informed by letter along with the District Director.

(ii) If the State Director determines that termination of the grant is appropriate, he/she will promptly inform the grantee by the use of Exhibit B–3 of Subpart B of Part 1900 of this chapter.

(2) *National Office review.* (i) Upon receipt of a request from a grantee that the decision of the State Director be reconsidered, the National Office will make a preliminary decision concerning the continued funding of the grantee during the appeal period. Written notification of the decision will be given to the State Director and grantee.

(ii) The National Office will then obtain a comprehensive report on the matter from the State Office. This information will be considered together with any additional information that may be provided by the grantee.

(c) *Grant suspension.* When the grantee has failed to comply with the terms of the agreement, the District Director will promptly report the facts to the State Director. The State Director will consider termination or suspension of the grant. When the State Director determines that the grantee has a reasonable potential to correct deficiencies the grant may be suspended. The State Director may also withhold further disbursement of grant funds and prohibit the grantee from incurring additional obligations of grant funds with written approval of the National Office. The grantee will be notified of the grant suspension in writing by the State Director. The State Director will also promptly inform the grantee of its rights to appeal the decision by use of Exhibit B–3 of Subpart B of Part 1900 of this chapter.

(d) *Grant termination.* The State Director may terminate the grant agreement whenever FmHA determines that the grantee has failed to comply with terms of the Agreement. The reasons for termination may include, but are not limited to, such problems as listed in paragraph (e)(3)(i) of the "Self-Help Technical Assistance Grant Agreement" (Exhibit A). The State Director may also withhold further disbursement of grant funds and prohibit the grantee from incurring additional obligations of grant funds with written approval of the National Office. FmHA will allow all necessary and proper costs which grantee could not reasonably avoid.

(1) *Termination for cause.* The grant agreement may be terminated in whole, or in part, at any time before date of completion, whenever FmHA determines that the grantee has failed to comply with terms of the Agreement. The State Director will notify the grantee in writing giving the reasons for the action and inform the grantee of its rights of appeal by use of Exhibit B–3 of Subpart B of Part 1900 of this chapter.

(2) *Termination for convenience.* FmHA or the grantee may terminate the grant in whole, or in part, when both parties agree that the continuation of the grant would not produce beneficial results. The two parties will agree in writing to the termination conditions including the effective date. No notice of rights of appeal will be issued by FmHA.

§ 1944.427 Grantee self-evaluation.

Annually or more often, the board of directors will evaluate their own self-help program. Exhibit F to this part is provided for that purpose. It is also recommended that they review their personnel policy, any audits that may have been conducted and other reports to determine if they need to make adjustments in order to prevent fraud and abuse and meet the goals in the current grant agreement.

§§ 1944-428—1944.450 [Reserved]

Exhibits to Subpart I

Exhibit A—Self-Help Technical Assistance Grant Agreement

THIS GRANT AGREEMENT dated _____, 19____, is between

_____

nonprofit corporation ("Grantee"), organized and operating under

_____

(authorizing State statute)

and the United States of America acting through the Farmers Home Administration, Department of Agriculture ("FmHA").

In consideration of financial assistance in the amount of $_____ (called "Grant Funds") to be made available by FmHA to Grantee under section 523(b)(1)(A) of the Housing Act of 1949 to be used in (specify area to be served) _____ for the purpose of providing a program of technical and supervisory assistance which will aid low-income families in carrying out mutual self-help housing efforts, Grantee will provide such a program in accordance with the terms of this Agreement and FmHA regulations.

Definitions:

"Date of Completion" means the date when all work under a grant is completed or the date in the TA Grant Agreement, or any supplement or amendment thereto, on which Federal assistance ends.

"Disallowed costs" are those charges to a grant which the FmHA determines cannot be authorized.

"Grant Closeout" is the process by which the grant operation is concluded at the expiration of the grant period or following a decision to terminate the grant.

"Termination" of a grant means the cancellation of Federal assistance, in whole or in part, under a grant at any time prior to the date of completion.

Terms of agreement:

(a) This Agreement shall terminate _____ years from this date unless extended or sooner terminated under paragraphs (e) and (f) of this Agreement.

(b) Grantee shall carry out the self-help housing activity described in the application docket which is attached to and made a part of this Agreement. Grantee will be bound by the conditions set forth in the docket, 7 CFR Part 1944, Subpart I, and the further conditions set forth in this Agreement. If any of the conditions in the docket are inconsistent with those in the Agreement or Subpart I of Part 1944, the latter will govern. A waiver of any condition must be in writing and must be signed by an authorized representative of FmHA.

(c) Grantee shall use grant funds only for the purposes and activities specified in FmHA regulations and in the application docket approved by FmHA including the approval budget. Any uses not provided for in the approved budget must be approved in writing by FmHA in advance.

(d) If Grantee is a private nonprofit corporation, expenses charged for travel or per diem will not exceed the rates paid FmHA employees for similar expenses. If Grantee is a public body, the rates will be those that are allowable under the customary practice in the government of which Grantee is a part; if none are customary, the FmHA rates will be the maximum allowed.

(e) Grant closeout and termination procedures will be as follows:

(1) Promptly after the date of completion or a decision to terminate a grant, grant closeout actions are to be taken to allow the orderly discontinuation of Grantee activity.

(i) Grantee shall immediately refund to FmHA any uncommitted balance of grant funds.

(ii) Grantee will furnish to FmHA within 90 days after the date of completion of the grant a "Financial Status Report," Form SF-269 A. All financial, performance, and other reports required as a condition of the grant will also be completed.

(iii) Grantee shall account for any property acquired with technical assistance (TA) grant funds, or otherwise received from FmHA.

(iv) After the grant closeout, FmHA retains the right to recover any disallowed costs which may be discovered as a result of any audit.

(2) When there is reasonable evidence that Grantee has failed to comply with the terms of this Agreement, the State Director may determine Grantee as "high risk". "High risk" Grantee will be supervised to the extent necessary to protect the government's interest and to help Grantee overcome the deficiencies.

(3) Grant termination will be based on the following:

(i) *Termination for cause.* This grant may be terminated in whole, or in part, 90 days after a Grantee has been classified as "high risk" if the State Director determines that Grantee has failed to correct previous deficiencies and is unlikely to correct such items if additional time is allowed. The reasons for termination may include, but are not limited to, such problems as:

(A) Actual TA costs significantly exceeding the amount stipulated in the proposal.

(B) The number of homes beign built is significantly less than proposed construction or is not on schedule.

(C) The cost of housing not being appropriate for the self-help program.

(D) Failure of Grantee to only use grant funds for authorized purposes.

(E) Failure of Grantee to submit adequate and timely reports of its operation.

(F) Failure of Grantee to require families to work together in groups by the mutual self-help method in the case of new construction.

(G) Serious or repetitive violation of any of the provisions of any laws administered by FmHA or any regulation issued thereunder.

(H) Violation of any nondiscrimination or equal opportunity requirement administered by FmHA in connection with any FmHA programs.

(I) Failure to establish an accounting system acceptable to FmHA.

(J) Failure to serve very low-income families.

(K) Failure to recruit families from substandard housing.

(ii) *Termination for convenience.* FmHA or Grantee may terminate the grant in whole, or in part, when both parties agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions including the effective date and, in case of partial termination, the portion to be terminated.

(4) To terminate a grant for cause, FmHA shall promptly notify Grantee in writing of the determination and the reasons for and the effective date of the whole or partial termination. Grantee will be advised of its appeal rights under 7 CFR Part 1900, Subpart B.

(f) An extension of this grant agreement may be approved by FmHA provided in its opinion, the extension is justified and there is a likelihood that the grantee can accomplish the goals set out and approved in the application docket during the period of the extension.

(g) Grant funds may not be used to pay obligations incurred before the date of this Agreement. Grantee will not obligate grant funds after the grant termination or completion date.

(h) As requested and in the manner specified by FmHA, the grantee must make quaterly reports, Exhibit C of this subpart (on ⅓s, ⅔s, ⅞s and 1⅞s of each year,) and a financial status report at the end of the grant period, and permit on-site inspections of program progress by FmHA representatives. FmHA may require progress reports more frequently if it deems necessary. The Grantee must also comply with the audit requirements found in § 1944.422 of Subpart I of 7 CFR Part 1944, if applicable. Grantee will maintain records and accounts, including property, personnel and financial records, to assure a proper accounting of all grant funds. These records will be made available to FmHA for auditing purposes and will be retained by grantee for thee years after the termination or completion of this grant.

(i) Title to personal property acquired with grant funds shall vest in the grantee, subject to the following: Grantee shall not sell, assign, lease, encumber, or otherwise dispose of such property or any interest in the property without the written consent of FmHA during the grant period. At FmHA's option if the grant is completed, terminated, or cancelled for any reason, Grantee may keep such personal property provided the State Director determines it is still needed to enable Grantee to continue a self-help housing program. Grantee may transfer all such personal property to another grantee approved by FmHA, convey the property back to the Government, or dispose of it in

any reasonable manner approved by the State Director.

(j) Results of the program assisted by grant funds may be published by Grantee without prior review by FmHA, provided that such publications acknowledge the support provided by funds pursuant to the provisions of Title V of the Housing Act of 1949, 42 U.S.C. 1471, *et seq.*, and that five copies of each such publication are furnished to the local representative of FmHA.

(k) Grantee certifies that no person or organization has been employed or retained to solicit or secure this grant for a commission, percentage, brokerage, or contingent fee.

(l) Grantee will comply with pertinent nodiscrimination regulations of FmHA which state that no person in the United States shall, on the grounds of race, religion, color, age, sex, marital status, national origin, or mental or physical handicap, be excluded from participating in, be denied the benefit of, or be subject to discrimination in connection with the use of grant funds.

(m) In all hiring or employment made possible by or resulting from this grant, grantee: (1) Will not discriminate against any employee or applicant for employment because of race, religion, color, sex, marital status, national origin, age, or mental or physical handicap, and (2) will take affirmative action to insure that applicants, are employed, and that employees are treated during employment without regard to their race, religion, color, sex, martial status, national origin, or mental or physical handicap. This requirement shall apply to, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In the event Grantee signs a contract which would be covered by any Executive Order, law, or regulation prohibiting discrimination, Grantee shall include in the contract the "Equal Employment Clause" as specified by FmHA.

(n) Grantee shall not, without the prior written approval of FmHA, enter into any contract obligating the use of TA grant funds.

(o) It is understood and agreed by Grantee that any assistance granted under this Agreement will be administered subject to the limitations of Title V of the Housing Act of 1949 as amended, 42 U.S.C. 1471 *et seq.*, and related regulations, and that rights granted to FmHA in this Agreement or elsewhere may be exercised by it in its sole discretion to carry out the purposes of the assistance, and protect FmFA's financial interest.

(p) Grantee will maintain a code or standards of conduct which will govern the performance of its officers, employees, or agents. Grantee's offices, employees, or agents will neither solicit nor accept gratuities, favors, or anything of monetary value from suppliers, contractors, or others doing business with the grantee. To the extent permissible by State or local law, rules, or regulatons such standards will provide for penalties, sanctions, or other disciplinary actions to be taken for violations of such standards.

(q) Grantee shall not hire or permit to be hired any person in a staff position or as a participant if that person or a member of that person's immediate household is employed in an administrative capacity by the organization, unless waived by the State Director. (For the purpose of this section, the term "household" means all persons sharing the same dwelling, whether related or not).

(r) Grantee's board members or employees shall not directly or indirectly participate, for financial gain, in any transactions involving the organization or the participating families. This include activities such as selling real estate, building material, supplies, and services.

s) Grantee will retain all financial records, supporting documents, statistical records, and other records pertinent to this agreement for 3 years.

By_____

(*Signature*)

_____

(*Title*)
Grantee

By_____

(*Signature*)

_____

(*Title*)
Farmers Home Administration

Exhibit B—Mutual Self-Help Housing Guidelines

Table of Contents

Mutual Self-Helf Housing Guidelines

Introduction

How to give low-income rural people an opportunity to have a decent home of their own is a major challenge in rural America. To help such persons have an adequate home at a cost they can afford, the Farmers Home Administration (FmHA) makes Rural Housing (RH) loans to individual persons to enable them to participate in a mutual self-help housing project. This program is designed to help families, that otherwise do not qualify as homeowners, work together to build modest homes of their own.

Eligible applicants may obtain rural housing loans to buy materials, pay for labor and contract costs required for work on their own homes, and if necessary, buy a building site. Families helping each other will provide most of the construction labor. The exchange of labor, without a cash cost to the families, is the key to the mutual self-help housing program. The also may be a savings in the cost of materials purchased. This use of family labor for cash can reduce the cost of homes enough to bring the price of a modest home within reach of very low-income rural families.

Leadership and Supervision

The grantee will provide the leadership and supervision of the families. FmHA will determine who is eligible to participate and receive a Rural Housing loan.

Rural housing loans will be made by FmHA to those who participate in a self-help housing group and who:

1. Meet the low or very low-income requirements in Exhibit C to (available in any FmHA office) subpart A of part 1944 of this chapter.
2. Are creditworthy by FmHA standards and can comply with all other eligibility requirements for rural housing loans.
3. Desire to build a home of their own that is modest in design, structurally sound, and low in cost.

The following basic conditions are essential to the success of a self-help housing venture and must be provided by the grantee:

1. A sincere spirit of cooperation on the part of all participants.
2. Competent leadership and technical supervision.
3. A complete understanding of the responsibilties involved in Mutual Self-Help.
4. Adequate supervision of participants at times convenient for the families to do the work.
5. Development of sufficient skills among the members of the group to do the basic construction tasks as outlined in Exhibit C–2 of this subpart.
6. Four to 10 families who can and are willing to work together satisfactorily.

Organization and Agreements

An understanding must be reached on important items such as when the individuals in the group will be available to work, the amount of work to be performed, the number to be involved in the various work groups and the amount of time each will spend working on the homes. The group will develop a written agreement which is binding upon all members signing it. Exhibit B–1, Membership Agreement, is a suggested form of such an agreement. All participating members will sign the Membership Agreement and each applicant will be given a copy. If a document is used which is different than Exhibit B–1, it must be reviewed and approved by FmHA for legal adequacy and compliance with applicable State laws and FmHA regulations.

Preconstruction Meetings

The successful conduct of a mutual self-help housing program requires a series of meetings with those participating. These meetings are to discuss the planning, construction, and maintenance of a home, the responsibilities of home ownership, and the requirements for a FmHA rural housing loan. These meetings also familiarize the applicants with the self-help approach, develop mutual confidences among participants and develop the interest of community leaders in the project.

The actual number of meetings held will depend on the rate at which the group progresses toward reaching a full understanding of the responsibilties involved. Experience indicates that from 8 to 10 meetings are needed. Local people should be used to discuss appropriate subjects in the meetings. This will help in making the local community aware of the self-help program, and also help obtain local acceptance and support for the project. The following is a

recommended sequence of meetings and a suggested list of subjects to be discussed.

The first meeting should be explanatory in nature. The grantee should discuss the basic principles involved in mutual self-help housing, together with a brief explanation of the purposes and limitations of and the requirements for rural housing loans including loan payments, taxes, insurance, and maintenance. The members of the group should be considering a name for the organization and the persons best suited for the various positions in order that the officers and committees can be selected at the next meeting.

At the second meeting, an association should be formed and the officers and committees selected. They might include the following:

1. President
2. Vice-President
3. Secretary-Treasurer
4. Labor Manager
5. Purchasing Committee
6. Program Committee

Additional meetings are essential, but the order in which the subjects are presented or the number of subjects included in any meeting may vary. The following topics are suggested for a series of meetings:

1. *Site planning and building codes.* An architect, code official, or a good builder could be invited to discuss factors in selecting house size, safety, and health code requirements.

2. *Plans and specifications.* The group will probably have questions and need individual help in making decisions concerning plans and specifications for their homes. The construction supervisor should help each applicant develop suitable plans that will meet the household's individual need and the requirement of § 1944.16 of Subpart A of 7 CFR Part 1944.

3. *Cost of materials.* The purchasing committee will review prices of materials and contract work. At one of the last meetings to be held before the construction starts, the purchasing committee should report on its recommendations for buying materials and awarding contracts.

4. *Taxes.* A discussion of the method of tax appraising could be given by the local tax assessor including an estimate of expected taxes on the proposed houses.

5. *Insurance.* A local insurance agent may be asked to speak on types of insurance policies available such as fire and extended coverage, household policies, and liability insurance.

6. *Mortgage requirements.* The grantee should discuss the FmHA mortgage and related requirements. A local attorney might be asked to discuss other legal aspects of the program.

7. *Maintenance costs.* The construction supervisor should discuss the importance of proper maintenance for a home. They should emphasize how money spent for maintenance improves appearance, helps maintain value and saves money in the long run.

8. *Money management.* The grantee discuss the necessity of following the basic principles of money management such as keeping records, following a budget, and not overspending on non-essentials.

9. *Labor sharing arrangement.* The group needs to reach an understanding as to how the memmbers will share labor, how records will be kept of time worked, how to make sure that labor will be exchanged on a basis that is fair to all members and how to evidence and record these decisions.

10. *Use of tools.* One or more of the meetings should include demonstrations and training by the construction supervisor of the safe and proper use of tools. Special attention should be given to the use of basic tools such as level, square, rule, saw, and any power tools that might be used in the construction.

11. *Construction and work procedures.* The authority and duties of the construction supervisor will be discussed in detail. The procedures for actual construction will be discussed including labor sharing, work teams, order of development, function of committees, time reporting for work completed and future hours available.

12. *Ground breaking plans.* The final preconstruction meeting should be more of a social get-together than a businesss meeting. This is also the logical time to plan a ground breaking ceremony for the day the loans are closed.

Construction

The basic work is performed, largely on a labor exchange basis, by the participating families under the guidance of the construction supervisor.

The group may, depending on the skills of the individuals, plan to do as much of the work as possible such as installing kitchen cabinets and equipment, excavating for basements, and dry-wall finishing. Highly skilled or specialized jobs will be contracted when such services are not available in the group.

Work should start on all houses and each stage of construction be finished on all before starting the next stage of construction on any house, to the extent with good construction practices, except as provided in paragraph 3, Labor Exchange Agreement of the Membership Agreement (Exhibit B–1).

To effect savings, materials for all the houses may be purchased from the one or several suppliers who offer the lowest prices. Also, all contracts for members of the group may be awarded to the same contractors. To illustrate, the plumbing contractor offering the lowest price ordinarily should perform the plumbing for all of the dwellings.

Each borrower will pay the material supplier for materials used, and the contractor for work done, on his/her own home. All deliveries of materials will be *itemized separately* for each home. The grantee, after considering the suggestions of the purchasing committee, will recommend the suppliers from whom materials will be purchased and the contractors to whom the contracts will be awarded.

The construction supervisor will divide the group into work teams. Work teams should be organized on the basis of skills, compatability, and availability. For example, one team could lay out and pour footings and another team could lay bricks. The third team could begin framing as soon as the foundation is ready.

A firm understanding will be reached that no changes in construction from the approved plans and specifications may be made without furnishing the Country Supervisor with full cost figures and obtaining approval in advance. If any cahnge results in a need for additional funds, they must be furnished by the borrower before approval. All homes should be finished at or about the same time and none should be occupied prior to completion of them all.

The Association should have brief meetings, at least once a week, to:

1. Report on performance and hours of work performed.
2. Settle any disagreements.
3. Plan work schedule and purchases for the coming week.

Exhibit B–1

Association ————————————
Membership Agreement

I/We understand that by signing this agreement I/we will become members in the ———— Association when we receive adequate credit to finance the home we intend to build. We have read the agreement or have had it read to us and agree to comply with all its provisions.

Purpose

The purpose of this association is to provide a way whereby each member can help his/herself and every other member to build his/her house.

Membership

Membership will be limited to those persons who:

1. Do not own an adequate home;
2. Are willing to work with the other members of the Association in building their homes;
3. Have a commitment to obtain financing for the cash cost of their home; and
4. Sign the Membership Agreement.

Applicants and co-applicants must both sign the Membership Agreement. As used in the agreement the term "Applicant" means both applicant or co-applicant when both sign the agreement, or the person signing when only one signs.

Voting Rights

Each household has one vote in the election of officers and all other matters involving a decision by the membership.

Officers

The officers of the Association will be a President, Vice-President and a Secretary-Treasurer. Each will be elected, at a meeting, by a majority vote and will continue to hold office unless the officer resigns, dies, is incapacitated, or is removed by vote of two-thirds of all the members at a called meeting for the purpose of considering such removal. The duties of the officers will be as follows:

The President will:

1. Call membership meetings and officers' meetings;
2. Preside over all meetings;
3. Work closely with the construction supervisor; and
4. See that committees and members carry out their responsibilities in connection with mutual self-help projects.

The Vice-President will:

1. Act for the President in the President's absence, and

2. Be chairman of the Program Committee.

The Secretary-Treasurer will:

1. Keep the minutes of each meeting.

2. Handle Correspondence of the Association.

3. Collect and handle, through a checking account in the Association's name, funds the organization may need. These may include items such as stationery, stamps, and record book.

4. Maintain other records of the Association at the direction of the President.

Appointed Committees and Positions

The Officers by majority vote will appoint the following from the membership:

1. A Labor Manager will assist the construction supervisor in keeping records of the tasks completed by each member and notify the construction supervisor as to the availability of members for work on the housing.

2. A Purchasing Committee of three members who will review prices and cost estimates obtained by the grantee for the houses to be built and recommend contractors and suppliers to be used by the members.

3. Two of the three members of the Program Committee. The third member will be the Vice-President, who will be chair-person. This committee will plan meetings and assist in obtaining outside speakers.

Meetings

Meetings of officers and meetings of members will be held as often as necessary to successfully complete the mutual self-help housing. Meetings may be called by the President when considered advisable and will be called by the President at the written request of not less than _____ member, at the request of the grantee or the Farmers Home Administration. Each officer or member will be notified at least three days before the meeting as to the time, date and place of each meeting by mail, telephone or by announcement at the preceding meeting.

Labor Exchange Agreement

Each member agrees to perform the task for the construction of houses of the other members of this Association in return for labor from other members in the actual construction of their house. The construction tasks to be performed are identified on a copy of Exhibit C–2 of this subpart and are part of this agreement.

The number of tasks performed by each member or by any person for any applicant credit will be verified by the grantee. If any member because of death, illness, or injury is unable to make its full labor contribution personally or from other sources as required, that member may be excused to that extent from performing its labor agreement, if approved by a majority of the membership, and all the other members will assist such a member in completing its house and will contribute the additional amount of labor for all the houses which otherwise the stricken member would have furnished.

We agree to exchange labor on the following basis:

1. Equal time will be allowed for labor performed by members in the actual construction of the homes regardless of the type of work involved.

2. Time allowances for labor performed by persons other than members, will be determined by the grantee with the approval of the grantee.

3. A member may not work alone on the member's own house unless the job can be done alone and the consent of the construction supervisor has been obtained. However, the grantee may authorize persons to work on their own house when only interior painting, landscaping and general cleanup remain to be done.

4. The task performed will be reported by each worker to the construction supervisor each day. The construction supervisor will verify in a worksheet and credit the percent of task completed to that member's account.

General Agreement

We agree that:

1. The Association, by majority vote, will determine the supplier of materials and contractors for any skilled work. However, each member shall pay the cost of materials and contractor in connection with its own home.

2. The Association will collect cost of operation of the Association from members, not to exceed $_____ from each member.

3. The Association will act for the group in other matters related to the project when authorized by a majority of the members.

4. Property insurance will be obtained by the members as required by the Farmers Home Administration. Members also will obtain worker's compensation insurance as required by State law and public liability insurance against claims of others.

Dissolution

After a determination is made by the officers that the last house is completed and that all obligations of the Association are paid, upon majority vote of the members and with the consent of the Farmers Home Administration the Association shall terminate.

Amendments

Amendments to this agreement may be made by a majority vote of the members, at a meeting called for the announced purpose of considering amendments, to take effect upon approval by the Farmers Home Administration District Director; but no amendments may decrease the rights or increase the liability of any member without such member's consent.

Membership Termination

We understand that this membership may be terminated under the following conditions:

1. Failure to provide the required labor to perform the identified task.

2. Failure to comply with the terms of this agreement.

3. Failure to cooperate fully with other members of the association in the mutual self-help housing program.

4. Voluntary withdrawal from association.

Cause for termination may be recommended by:

1. The majority of the association members, or

2. The grantee.

However, a final termination must be in writing from the FmHA supervising official and will provide for an appeal pursuant to 7 CFR Part 1900, Subpart B. Upon the conclusion of the termination action FmHA may take action to liquidate the account.

Date _____
Signed _____
Applicant
Date _____
Signed _____
Co-applicant
Date _____
Signed _____
Applicant
Date _____
Signed _____
Co-applicant
Date _____
Signed _____
Applicant
Date _____
Signed _____
Co-applicant
Date _____
Signed _____
Applicant
Date _____
Signed _____
Co-applicant
Date _____
Signed _____
Grantee Representative

Exhibit C—Evaluation Report of Self-Help Technical Assistance (TA) Grants

Evaluation for Quarter Ending: (1), 19____.

1. a. Name of Grantee: (2).

b. Address: (3).

c. Area the Grant serves: (4).

2. a. Date of Agreement: (5); Time Extended (6).

b. Amount of Grant: $(7).

c. Subsequent Amount: $(8).

d. Total Amount of Grant: $(9).

e. Amount of Funds Advanced to date: $(10).

f. Amount of funds on hand: $(11).

g. Amount of Grant Funds used: $(12).

h. Amount budgeted next month: $(13).

3. a. Equivalent unit increase during quarter:

(14) _____
First Month
(15) _____
Second Month
(16) _____
Third Month
(17) _____
Total to Date

b. Cumulative total number of Equivalent Units since beginning of Grant:

c. Quarterly Grant Funds Spent:

$ (18) _____
First Month
$ (19) _____
Second Month
$ (20) _____
Third Month
$ (21) _____
Quarterly Total

d. TA Cost per equivalent unit this quarter:

$ (22) _____

e. Cumulative TA Cost per equivalent unit:
$ (23) _____

4. a. Method of Construction: Stick built ___%, Manufactured ___%, Combined ___%.

b. Number of bedrooms per house built this Grant period: ___ 2BR, ___ 3BR, ___.

c. Household size this Quarter: 1 person ___, 2 persons ___, 3 persons ___, 4 persons ___, 5 persons ___.

d. Number of houses under construction this Grant period but started during previous Grant period: _____.

5. a. Number of houses proposed under this Grant: (24).

b. Number of houses completed under this Grant: (25).

c. Number of houses currently under construction: (26).

d. Number of families in preconstruction: (27).

e. Number of Construction Supervisors: (28).

f. Number of TA employees: (29).

6. a. Average time needed to construct a single house: (30).

b. Number of months between submission of Self-Help borrower's docket and approval/rejection: (31).

c. Number and percentage of loan docket rejections during reporting period: (32).

7. a. Did any of the following adversely affect the Grantee's ability to accomplish program objectives?

	Yes	No
TA staff turnover		
FmHA staff turnover		
Bad weather		
Loan processing delays		
Site acquisition and development.		
Unavailable loan/grant funds		
Lack of participants		
Communication between FmHA/grantee.		

8. Attach information concerning number of families contacted, number who have indicated a willingness to be a participating family, number of mutual self-help groups organized, progress on any construction started, and any problems relating to the operation of this grant.

I certify that the statements made above are true to the best of my knowledge and belief.

(33) _____
(Date)

(34) _____
(Title) Grantee

(35) _____
(Signature)

County Office Review

I have reviewed the above information which I have found to be substantially correct. Must be completed by County Office.

Comment: Must be completed (36)

Average appraisal value of units financed this Quarter: ___.

Average amount loan per unit financed this Quarter: ___.

(37) _____
(Date)

(38) _____
County Supervisor

District Office Review

Comment: Must be completed (39).

(40) _____
Date

(41) _____
District Director

State Office Review

Comment: Must be completed (42).

(43) _____
Date

(44) _____
State Office Representative

Instructions for Preparation of Evaluation Report of Self-Help Technical Assistance Grants

Exhibit C will be used by all Technical Assistance grantees obtaining self-help technical assistance grants. This attachment provides the grantee and FmHA a uniform method of reporting the performance progress of self-help projects. The TA Grantee will prepare an original and 4 copies of the attachment. The TA Grantee will sign the original and 3 copies and forward it to the local FmHA County Office. The TA Grantee will keep the unsigned copy for its records.

The evaluation report will be completed in accordance with the following:

1. Enter the date the quarter ends either March 31, June 30, September 30, or December 31 and the year.

2. Enter the full name of the TA Grantee organization.

3. Enter the complete mailing address of the TA grantee organization.

4. Enter the area served by the Grant.

5. Enter the date of the initial self-help technical assistance grant agreement.

6. Enter the time of any extension self-help technical assistance grant agreement(s).

7. Enter the amount of the initial grant.

8. Enter the amount of each extension grant.

9. Enter the total amount of grant.

10. Enter the cumulative amount of the TA grant advanced to the end of the quarter.

11. Enter the amount of TA grant funds advanced that are on hand at the end of the quarter.

12. Subtract item (2f) from (2e) to give the cumulative amount of grant funds used to the end of the quarter.

13. Enter the amount of TA grant budgeted for the first month following the date entered in item 1.

14. Insert the number of EU's completed the first month of the quarter using steps 1, 2, and 3 of this Exhibit.

15. Insert the number of EU's completed the second month of the quarter by using steps 1, 2, and 3 of this Exhibit.

16. Insert the number of EU's completed the third month of the quarter by using steps 1, 2, and 3 of Exhibit.

17. Add items (14), (15), and (16) to the total from the previous quarterly report to obtain the cumulative total number of EU's. This total is the cumulative total number of EU's for the project.

18. Enter the grant funds spent the first month of the quarter. If the grant was closed within 30 days of the previous quarter any grant funds spent should be included in this figure.

19. Enter the grant funds spent the second month of the quarter.

20. Enter the grant funds spent the third month of the quarter.

21. Add item (18), (19), and (20) together to give the total grant funds spent during the quarter.

22. Divide item (21) by the sum totals of items (14), (15), and (16) to obtain the TA Cost per EU for the quarter.

23. Divide item (12) by item (17) to obtain the cumulative TA cost per EU.

24. Enter the number of houses planned in the TA Grantee proposal(s).

25. Enter the number of houses completed and occupied since the beginning of the grant.

26. Enter the number of houses that are under construction at the end of this quarter.

27. Enter the number of families in the preconstruction phase.

28. Enter the total number of construction supervisor(s) paid with TA grant funds.

29. Enter the number of employees paid with TA grant funds including those listed in item 28.

30. Insert the average elapsed time needed per house from excavation to final inspection by FmHA to complete construction of a house. If no self-help homes have been completed by this grantee, use other projects or your best estimate as a guide.

31. Enter the number of months it takes on average to approve or reject a borrowers docket once it's submitted.

32. Enter number and percent of dockets submitted and rejected this quarter.

33. Enter date of Exhibit submittal.

34. Insert title of the grantee or their authorized representative.

35. Signature of grantee or his/her authorized representative.

36. County Supervisor must answer questions concerning market value and loan amount and also should insert comments concerning progress of construction, success of the project and

any problems that the organization may have.

37. Insert date of County Supervisor's review.

38. Signature of County Supervisor.

39. District Director representative should insert his/her comments concerning items listed in § 1944.417(b)(1) of 1944–I.

40. Insert date of District Director review.

41. Signature of District Director or representative.

42. Insert State Office review.

43. Insert date of State Office review.

44. Signature of State Office representative.

Exhibit C–2—

BREAKDOWN OF CONSTRUCTION DEVELOPMENT FOR DETERMINING PERCENTAGE CONSTRUCTION COMPLETED

	With stab on grade	With crawl space	With basement	Selected self-help tasks
	(percent)	(percent)	(percent)	X
1. Excavation	3	5	6	( )
2. Footing, Foundations, columns	8	8	11	( )
3. Floor slab or framing	6	4	4	( )
4. Subflooring	0	1	1	( )
5. Wall framing sheathing	7	7	6	(X)
6. Roof and ceiling framing, sheathing	6	6	5	(X)
7. Roofing	5	5	4	(X)
8. Siding, exterior trim, porches	7	7	6	(X)
9. Windows and exterior doors	9	9	8	( )
10. Plumbing—roughed in	3	2	3	( )
11. Sewage disposal	1	1	1	( )
12. Heating—roughed in	1	1	1	( )
13. Electrical—roughed in	2	2	2	(X) [1]
14. Insulation	2	2	2	(X)
15. Dry wall or plaster	8	8	7	( )
16. Basement or porch floor, steps	1	1	6	( )
17. Heating—finished	3	3	3	( )
18. Flooring	6	6	5	( )
19. Interior carpentry, trim, doors	6	6	5	(X)
20. Cabinets and counter tops	1	1	1	(X)
21 Interior painting	4	4	3	(X)
22. Exterior painting	1	1	1	(X)
23. Plumbing—complete fixtures	4	4	3	( )
24. Electrical—complete fixtures	1	1	1	(X)
25. Finish hardware	1	1	1	(X)
26. Gutters and downspouts	1	1	1	(X)
27 Grading, paving, landscaping	3	3	3	(X) [2]
Total	100	100	100	

[1] Unless prohibited by local ordinance.
[2] Landscaping only.

(X) Mandatory Self-Help Tasks
Name of T/A Grantee _____
Association:
Name _____
Date _____

Exhibit C–3—Pre-Construction and Construction Phase Breakdown

I. *General.* This Exhibit will be used by FmHA and the grantee in determining grantee performance as required in § 1944.417(b) of this Subpart.

II. *Determining Technical Assistance cost per unit*

A. Equivalent units are used to measure progress at any time during the period of the grant. It is necessary because self-help grantees have several groups of families in various stages of progress during the period of the grant. The following formula has been developed to provide a more accurate method of determining progress.

Formula

Phase Breakdown	Value of each phase (percent)	Cumulative (percent)
Pre-Construction:		
Phase I	10	10
Phase II	10	10
Construction:		
Phase III	80	21–100

B. Using the *Description of Phase Breakdown* as a guide, the project staff selects the total percentage pertinent to the stage the self-help group is in and multiplies that percentage by the number of families (units) in the group. The result is the *equivalent number of units completed.* No credit may be given for Phase I, if the application is rejected. When this computation has been completed for each group that falls within Phase I–III, the total number of equivalent units is divided into the total grant funds *expended* to that date. The result is the TA cost per unit at that stage of the program's progress.

C. The definition of pre-construction and construction phases described are as follows:

Pre-Construction

Phase I: Hold community meetings; conduct interviews; obtain house plans; prepare cost estimates; begin search for land; submit family applications to the Farmers Home Administration (FmHA); FmHA runs credit check; applications. FmHA either approves or rejects.

Phase II: Organize an association of section 502 RH eligible families; association conducts weekly meetings at which required FmHA forms are discussed and completed; house plans and land sites are selected; outside speakers explain and discuss taxes, insurance, how to keep a checking account, how interest is computed, home maintenance, decorating, and landscaping; etc.; completed loan dockets for each family are submitted to FmHA. Family loan dockets are reviewed and recommendations made as to the loan amounts requested; the FmHA County Supervisor reviews family loan dockets; preliminary title search of each proposed building site is begun; requests loan check from Finance Office; when check arrives, final title search is made, loan closed, checking accounts opened, and construction begun.

Construction: The grantee will utilize Exhibit C–2 which outlines 27 construction tasks to determine the percentage of completed construction activities.

D. The computation of equivalent units and TA costs will be computed as follows:

Exhibit C will be used for recording the following information and construction in this example which starts January 1.

Step 1

Both the grantee and FmHA review the FmHA loan application records to determine the percentage of completion for each family in the preconstruction phase of the program. These are Phases I—III. Total these percentages to find the number of "Equivalent Units" (EU's) completed at that date during preconstruction. For example, if there are eight families in Group #2 and all have completed the 20 percent phase of preconstruction, then there would be 1.6 EU's in the pre-construction phase of the program as of that date. Each phase must be completed before it is considered in the calculation.

Step 2

Refer to the records of construction progress for families in the construction Phase III. As of that date, the director totals the percentage of completion figures for each family as followings:

Askew:	.45
Whited:	.40
Martinez:	.40
Gonzalez:	.38
Sherry:	.34
Duran:	.33
Johnson:	.13
Harvey:	.31
EU's	2.92

Total production in the construction phase is therefore 2.92 EU's as of that date.

Step 3

Add the pre-construction and construction subtotals together:

Preconstruction	1.60
Construction	2.92
Total EU's	4.52

This provides the total EU's of production during the first two months of operation. Steps 1, 2, and 3 will be used to complete items 16, 17 and 18 of Exhibit C of this Subpart. (Evaluation Report of Self-Help Technical Assistance).

III. *Preparation*

Compile Exhibit C of this Subpart in an original and four copies. The exhibit will be signed by the TA Grantee. Submit the original and three copies of the exhibit quarterly to FmHA County Office on or before January 15, April 15, and October 15, of each year for the quarters ending March 31, June 30, September 30, and December 31 of each year. The District Manager will keep the original and forward two copies to the State Office. The State Office will forward one copy to the National Office. The State Office will prepare information concerning TA grants closed within 30 days of the end of a quarter on the next quarterly report.

Exhibit D—Amendment to Self-Help Technical Assistance Grant Agreement

This Agreement dated, _____ 19____ between

_____

a nonprofit corporation ("Grantee"), organized and operating under

_____

(authorizing State Statute)
and the United States of America acting through the Farmers Home Administration, Department of Agriculture ("FmHA"), amends the "Self-Help Technical Assistance Grant Agreement" between the parties dated _____ 19 ____ ("Agreement").

The Agreement is amended by providing additional financial assistance in the amount of _____ to be made available by FmHA to Grantee pursuant to section 523 of Title V of the Housing Act of 1949 for the purpose of assisting in providing a program of technical and supervisory assistance which will aid low-income families in carrying out mutual self-help housing efforts; or

The Agreement is amended by changing the completion date specified in convenant 1 from _____ to _____ and by making the following attachments to this amendment: (List and identify proposal and any other documents pertinent to the grant.)

Agreed to this
day of _____ 19 ____.

_____

(Name of Grantee)
By _____
(Signature)

_____

(Title)
UNITED STATES OF AMERICA
By _____
(Signature)

_____

(Title)
FARMERS HOME ADMINISTRATION

Exhibit E—Self-Help Technical Assistance Grant Predevelopment Agreement

THIS GRANT PREDEVELOPMENT AGREEMENT dated, _____ 19 ____, is between
a nonprofit corporation ("Grantee"), organized and operating under

_____

(authorizing State statute)
and the United States of America acting through the Farmers Home Administration, Department of Agriculture ("FmHA").

In consideration of financial assistance in the amount of $_____ "Grant Funds") to be made available by FmHA to Grantee under section 523(b)(1)(A) of the Housing Act of 1949 to be used in (specify area to be served) _____ for the purpose of developing a program of technical and supervisory assistance which will aid low-income families in carrying out mutual self-help housing efforts, Grantee will provide such a program in accordance with the terms of this Agreement and FmHA regulations.

Grant funds will be used for authorized purposes as contained in § 1944.410(d) of 7 CFR Part 1944, Subpart A, as necessary, to develop a complete program for a self-help technical assistance grant. This will include recruitment, screening, loan packaging and related activities for prospective self-help participants.

Agreed to this _____ day of _____ 19____.

_____

(Name of Grantee)
By _____
(Signature)

_____

(Title)
UNITED STATES OF AMERICA
By _____
(Signature)

_____

(Title)
FARMERS HOME ADMINISTRATION

Exhibit F—Guidance For Recipients of Self-Help Technical Assistance Grants (Section 523 of Housing Act of 1949)

7 CFR Part 1944, Subpart I provides the specific details of this grant program. The following is a list of some functions of the grant recipients taken from this subpart. With the list are questions we request be answered by the recipients to reduce the potential for fraud, waste, unauthorized use or mismanagement of these grant funds. We suggest the Board of Directors answer these questions every six months by conducting *their own review.* Paid staff should not be permitted to complete this evaluation.

A. *Family Labor Contribution: and Mr.*		
1. Does your organization maintain a list of each family and a running total of hours worked (when and on what activity)?	Yes	No
2. Are there records of discussions with participating families counselling them when the family contribution is falling behind?	Yes	No
3. Are there obstacles which prevent the family from performing the required tasks?	Yes	No
B. *Use of Grant Funds:*		
1. Were grant funds used to pay salaries or other expenses of personnel not directly associated with this grant?	Yes	No
2. Were grant funds used to pay for construction work for participating families?	Yes	No
3. Were all purchases or rentals (item and cost) of office equipment authorized?	Yes	No
4. Are all office expenses authorized by Subpart I of Part 1944 of 7 CFR?	Yes	No

5. Was a log of long distance telephone calls maintained and was that log and telephone checked? Yes No
6. Was all travel and mileage incurred for official business and properly authorized in advance? Yes No
7. Were mileage and per diem rates within authorized levels? Yes No
8. Were participating families charged for use of these tools? Yes No
9. Were grant funds expended to train grant personnel? Yes No
10. Was training appropriate for the individual trainee? Yes No
11. Were any technical or consultant services obtained for participating familes? Yes No
12. Were the provided technical or consultant services appropriate in type and cost? Yes No

C. *Financial Responsibilities:*

1. Does each invoice paid by the grant recipient match the purchase order? Yes No
2. Does each invoice paid by the borrower and FmHA match the purchase order? Yes No
3. Were purchases made from the appropriate vendors? Yes No
4. Are the invoices and itemized statements totalled for materials purchased for individual families? Yes No
5. Is there a record of deposits and withdrawals to account for all loan funds? Yes No
6. Are checks from grant funds signed by the Board Treasurer and executive Director? Yes No
7. Are grant funds deposited in an interest bearing account? Yes No
8. Are checks from loan funds prepared by the grant recipient for the borrower's and FmHA's signature? Yes No
9. Are checks from loan funds accompanied by accurate invoices? Yes No
10. Are any borrower loan funds including interest, deposited in grantee accounts? Yes No
11. Are checks from loan funds submitted to FmHA more often than once every 30 days? Yes No
12. Is the reconciliation of bank statements for both grant and loan funds completed on a monthly basis? Yes No
13. If the person who issues the checks also reconciles them, does the Executive Director review this activity? Yes No
14. Are materials purchased in bulk approved by the Executive Director? Yes No
15. Was the amount of materials determined by both the Executive Director and Construction staff? Yes No
16. Were any participating families consulted about the purchase of materials? Yes No
17. Were savings accomplished by the bulk purchase method? Yes No
18. Did the Executive Director review the purchase order and the ultimate use of the materials? Yes No
19. Are materials covered by insurance when stored by grantee? Yes No

D. *Reporting:*

1. Are "Requests for Advance or Reimbursement" made once monthly to the FmHA District Office? Yes No
2. Has the grant recipient engaged a certified public Accountant (CPA) or CPA firm to review their operations on a regular basis: (Annually is preferable but every two years and at the end or the grant period are requirements)? Yes No
3. Are the quarterly evaluation reports submitted on time to the District Supervisor? Yes No

What, if any, problems exist that need to be corrected for effective management of the grant project?

Date

President, Board of Directors
(Period covered by report _____

ANSWER KEY

[The following answers should help your organization in assessing its vulnerability to fraud, waste, and abuse. You should take actions to correct practices that now generate an answer different from the key]

Question	Answer
A.1	yes
A.2	yes

ANSWER KEY—Continued

[The following answers should help your organization in assessing its vulnerability to fraud, waste, and abuse. You should take actions to correct practices that now generate an answer different from the key]

Question	Answer
A.3	yes
B.1	no
B.2	no
B.3	yes
B.4	yes
B.5	yes
B.6	yes
B.7	yes
B.8	no
B.9	yes
B.10	yes
B.11	yes
B.12	yes
C.1	yes
C.2	yes
C.3	yes
C.4	yes
C.5	yes
C.6	yes
C.7	no
C.8	yes
C.9	yes
C.10	no
C.11	no
C.12	yes
C.13	yes
C.14	yes
C.15	yes
C.16	yes
C.17	yes
C.18	yes
C.19	yes
D.1	yes
D.2	yes
D.3	yes

Exhibit G—Site Option Loan to Technical Assistance Grantees

I. *Objectives*

The objective of a Site Option (SO) loan under section 523(b)(1)(B) of Title V of the Housing Act of 1949 is to enable Technical Assistance (TA) grantees to establish revolving fund accounts to obtain options on land needed to make sites available to families that will build their own homes by the self-help method. An SO loan will be considered only when sites cannot be made available by other means including a regular Rural Housing Site (RHS) loan.

II. *Eligibility requirements*

To be eligible for an SO loan, the applicant must be a TA grantee that is currently operating in a satisfactory manner under a TA grant agreement. If the SO loan applicant has applied for TA funds but is not already a TA grantee and it appears that the TA grant will be made, the SO loan may be approved but not closed until the TA grant is closed.

III. *Loan purposes*

Loans may be made only as necessary to enable eligible applicants to establish revolving accounts with which to obtain options on land that will be needed as building sites by self-help families participating in the TA self-help housing program. Loans will not be made to pay the full purchase price of land but only for the

minimum amounts necesary to obtain an option from the seller. The option should be for as long as necessary but in no case should the option be for less than 90 days.

IV. *Limitations*

(A) If the amount of an SO loan will exceed $10,000, the prior consent of the National Office shall be obtained before approval.

(B) The amount of the SO loan should not exceed 15 percent of the purchase price of the land expected to be under option at any one time, unless a higher percent is authorized by the State Director when other land is not available or the particular area requires more down payment than elsewhere or similar circumstances exist.

(C) Form FmHA 440–34, "Option to Purchase Real Property," will be used without modification in all cases for obtaining options under this subpart.

(D) The limitations of § 1822.266(b)(1) and (2) of Subpart F of Part 1822 of this chapter (FmHA Instruction 444.8, paragraphs VI B(1) and (2)) concerning land purchase will apply to options purchased under this subpart.

V. *Rates and terms*

(A) *Interest.* Loans will be made at an interest rate of 3 percent.

(B) *Repayment period.* Each SO loan will be repaid in one installment which will include the entire principal balance and accrued interest. The maximum repayment period for each SO loan will be the applicant's remaining TA grant funding period.

(1) A shorter repayment period will be established if SO funds will not be needed for the entire TA grant funding period.

(2) If a regular RHS loan is to be processed, the SO loan should be scheduled for repayment when RHS loan funds will be available to purchase the land and repay the amount of SO funds advanced on the option, unless SO loan funds will still be needed to purchase other options. Under no circumstances, however, will the repayment period exceed the applicant's remaining TA grant funding period.

IV. *Processing Application*

(A) *Form of application:* The application for assistance will be in the form of a letter to the Farmers Home Administration (FmHA) County Supervisor having jurisdiction over the area of the proposed site to be optioned. The letter will be signed by the applicant or its authorized representative and contain, as a minimum, the following information:

(1) A copy of the proposed option that shows a legal description of the land, option price, purchase price, and terms of the option. If more than one site is to be purchased, a schedule of the proposed options should be included.

(2) Information to verfiy that a regular RHS loan cannot be processed in time to secure the option.

(3) Proposed method repayment of the SO loan.

(4) Resolution from the applicant's governing body authorizing the application for an SO loan from FmHA.

(B) *Responsibility of the County Supervisor.* Upon receipt of an SO loan application, the County Supervisor will:

(1) Determine whether the applicant is eligible. If the applicant is not eligible, or the loan cannot be made for other reasons, the application may be rejected by the County Supervisor with the concurrence of the District Director. The reasons for the rejection should be clearly stated and provided, in writing to the applicant. The applicant will have the right to have the decision reviewed following the procedure established in Subpart B of Part 1900 of this chapter.

(2) Review and verify the accuracy of the information provided.

(3) Make an inspection and a memorandum appraisal of each proposed site "as it is." The appraisal will include a narrative statement as to whether the site has been recently sold, verify that the seller is the owner of the property, and indicate whether the purchase price is acceptable based on the selling price of similar properties in the area.

(4) Indicate whether or not it appears that, considering the location and cost of development, adequate building sites can be provided at reasonable costs.

(5) If the option is for a tract of land on which 5 or more sites are proposed, the County Supervisor will forward to the District Director with recommendations as defined in § 1924.119 of Subpart C of Part 1924 of this chapter.

(6) If approval is recommended, prepare and have the applicant execute Form FmHA 1940–1, "Request for Obligation of Funds," for the amount needed. Copies of the form will be distributed as provided in the FMI.

(7) Forward the SO loan application and the applicant's TA application or TA docket to the State Director. The submission will include the appraisal report and the County Supervisor's comments and recommendations.

VII. *Loan Approval Authority and State Office Actions*

The State Director is authorized to approve SO loans developed in accordance with this Exhibit. The approval or disapproval of the loan will be handled in the same manner as provided in § 1822.272 of Subpart F of Part 1822 of this chapter (FmHA Instruction 444.8 paragraph XII). "Multiple Family Housing Obligation Fund Analysis". The MIC transaction will be used to request a check for SO loans.

VIII. *Loan Closing*

(A) *General.* Loan closing instructions will be provided by the Office of the General Counsel (OGC) to assure that the Promissory Note is property completed and executed. The County Supervisor may then close the loan.

(B) *Security for the loan.* The loan will be secured by a Promissory Note properly executed by the grantee using Form FmHA 440–16, "Promissory Note." A lien on the optioned real estate will not be taken.

(1) The "kind of loan" block on the note will read "SO loan."

(2) The note will be modified to show that the only installment on the loan will be the final installment.

(C) *Loan is closed.* The loan will be considered closed when the note is executed and the loan check delivered to the grantee.

IX. *Establishment of SO Loan Revolving Account*

(A) Supervised bank accounts will not be used for SO loans.

(B) Grantee will deposit SO loan funds in a depository institution of its choice. The use of minority institutions is encouraged. Such funds will remain separate from any other account of the grantee and shall be established as an SO revolving account.

(C) Checks drawn on the revolving account will be for the sole purpose of purchasing land options and must be signed by at least two authorized officials of the grantee who have been properly bonded in accordance with § 1944.411 (e) and (g) of this subpart.

(D) Grantee will not expend funds for any options until the site and the option form have been reviewed and approved by the County Supervisor.

(1) Site option funds will not be left unused in the revolving account in excess of 60 days.

(2) If the funds are not used for the intended purpose within the 60 days specified above, the unused portion will be refunded on the account.

(E) When funds become become available for repayment of the SO loan, such funds will be deposited in the revolving account for the purchase of additional site options if needed. If such funds are not needed to purchase more options, they will be applied on the SO loan.

X. *Source of Funds*

SO loans will be funded from the self-help housing land development fund.

Date: December 9, 1989.

La Verne Ausman,

Acting Administrator Farmers Home Administration.

[FR Doc. 89–3171 Filed 2–10–89; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-ANE-21]

Airworthiness Directives; Hamilton Standard Hydromatic (Noncounterweighted) Propeller Models 22D30, et al.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to amend an airworthiness directive (AD) which requires repetitive corrosion inspections on certain Hamilton Standard propeller models. The proposed amendment provides a means to increase the repetitive inspection intervals up to 48 months. The proposal is based on past AD inspection results where no corrosion was found and the repetitive inspection interval was increased on an individual basis without adversely affecting safety.

DATES: Comments must be received on or before March 23, 1989.

ADDRESSES: Comments on the proposal may be mailed in duplicate to: Office of the Assistant Chief Counsel, Attention: Rules Docket No. 82–ANE–21, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, or delivered in duplicate to Room 311 at the above address.

Comments delivered must be marked: "Docket No. 82–ANE–21".

Comments may be inspected at the New England Region, Office of the Assistant Chief Counsel, Room 311, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

The applicable overhaul manual may be obtained from Hamilton Standard, One Hamilton Road, Windsor Locks, Connecticut 06096.

A copy of the overhaul manual is contained in Rules Docket No. 82–ANE–21, Federal Aviation Administration, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803, and may be examined between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Frank Walsh, Boston Aircraft Certification Office, ANE–153, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803; telephone (617) 273–7066.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the FAA before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket, at the address given above, for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made. "Comments to Docket No. 82–ANE–21". The postcard will be date/time stamped and returned to the commenter.

After issuing Amendment 39–4133, as amended by Amendment 39–4409, which currently requires repetitive corrosion inspections on certain Hamilton Standard propeller blades, the FAA determined that the inspection interval can be extended based on certain factors. These factors include past AD inspections, maintenance program plans, oil change intervals, aircraft operating environment, and the type of storage or hangar facilities. With the experience gained during the past several years by maintenance reviews and management of the aircraft operational factors, inspection interval extensions have been granted on an individual basis. Substantiating data submitted by each operator was confirmed by an FAA Airworthiness Inspector in support of those extensions. Based on the data presented to the FAA over the past eight years, it has been determined that the extensions to the inspection intervals may be allowed without adversely affecting safety provided no corrosion is found at inspection of propeller blades. This proposed amendment would amend Amendment 39–4133, as amended by Amendment 39–4409, by allowing the inspection interval to be increased up to 48 months when inspections show no evidence of corrosion.

The regulations proposed herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

The FAA has determined that this proposed regulation involves no cost to operators. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Propellers, Air transportation, Aircraft, Aviation safety, Incorporation by reference.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) proposes to amend Part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.85.

2. By amending Amendment 39–4133 (47 FR 27845; June 28, 1982), as amended by Amendment 39–4409 (47 FR 36217; August 19, 1982), Airworthiness Directive (AD) 81–13–06 R1. The proposed AD is restated in its entirety for clarity as follows:

Hamilton Standard: Applies to Hamilton Standard Hydromatic (noncounterweighted) propellers with aluminum blades that use engine oil for pitch control (does not apply to propellers with integral oil control or to propellers with steel blades) of the following types: 22D30, 22D40, 23D40, 23E50, 23E60, 24D50, 24E60, 33D50, 33E60, 34D50, 34D51, 34E60, 43D50, 43D51, 43E60, and 43H60, as installed on various reciprocating engine powered aircraft such as, but not limited to: Beech D17 and D18, Boeing 377 series, Canadair Model 4 and CL–215, Curtiss-Wright C–46, DeHavilland DHC–2, DHC–3, and DHC–4, General Dynamics (Convair) T–29, 240, 340, and 440 series, Gulfstream American (Grumman) G–12A, G164, F4U, S–2F, TBM, and W–2F series, Lockheed L–10, L–12, 049, 749, 1049, 1649 series, Martin 202 and 404 series, McDonnell Douglas B–26, DC–3, DC–4, DC–6, and DC–7 series, North American AT–6, B–25, P–51, SNJ–5, T–6, and T–28.

Compliance is required as indicated, unless already accomplished.

To prevent propeller blade failure due to corrosion and fatigue, accomplish the following:

(a) Inspect propeller blades within the next 90 days after July 1, 1982, or within 18 months since last inspection, whichever occurs later, for corrosion in the blade fillet and shank area, particularly under the teflon friction reduction strip and the resin corrosion barrier, in accordance with Hamilton Standard Aluminum Blade Overhaul Manual

No. 130B, dated March 1, 1980. Thereafter, reinspect at intervals not to exceed 18 months since the last inspection.

Note.—Propeller blades previously inspected in accordance with earlier amendments of this AD shall be considered to have complied with the initial inspection requirements of paragraph (a) above whether or not the teflon strip and corrosion barrier were removed.

(b) For propellers with all installed blades having no corrosion at the last inspection, the reinspection interval may be increased as follows: reinspect between 24 and 36 months since the last inspection, and thereafter reinspect at intervals not to exceed 48 months provided no corrosion is found at any of the reinspections.

(c) Prior to further flight, blades with corrosion in the fillet or shank area must be replaced with an airworthy blade or repaired in accordance with Hamilton Standard Aluminum Blade Overhaul Manual No. 130B, dated March 1, 1980. Propellers with one or more installed blades which were replaced due to corrosion on inspected blades or blades which were repaired due to corrosion shall be reinspected in accordance with paragraph (a) above.

(d) Disassembled propeller blades preserved in accordance with Hamilton Standard Aluminum Blade Overhaul Manual No. 130B, dated March 1, 1980, need not include storage time when computing the time since last inspection.

(e) Upon submission of substantiating data by an owner or operator through an FAA Airworthiness Inspector, the Manager, Boston Aircraft Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, may adjust the compliance times specified in this AD or approve an equivalent means of compliance with this AD.

Note.—Extensions to the compliance schedule granted to owner/operators under previous amendments of this AD are still applicable to this amendment.

(f) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of the inspection required by this AD.

Should this proposed rule be adopted, the FAA will request the approval of the Federal Register to incorporate by reference the manufacturer's overhaul manual identified and described in this document.

Issued in Burlington, Massachusetts, on February 1, 1989.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 89-3285 Filed 2-10-89; 8:45 am]

BILLING CODE 4910-13-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Parts 1602 and 1627

Reports and Records

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Equal Employment Opportunity Commission is proposing to revise its regulations on Reports and Records (29 CFR Part 1602) required of persons subject to Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.* The regulations in Part 1602 require, *inter alia*, that any personnel or employment records kept by an employer or labor organization be preserved for a period of 6 months from the date of the making of the record or the personnel action involved, whichever is later. The Commission proposes to increase this records retention period to one year. The proposed increased time period would ensure that employers or labor organizations do not destroy employment records before being notified that a charge has been filed. The Commission also proposes to add a new Subpart R to Part 1602, 29 CFR 1602.56, that would clarify that the Commission has the aunthority to investigate persons to determine whether they comply with the reporting requirements of Part 1602. The addition of such a section will enable the Commission to enforce more effectively the requirements of Title VII. Consistent with the above modifications, the Commission intends to add a section to Part 1602 incorporating by reference the Commission's recordkeeping requirements under the Uniform Guidelines on Employee Selection Procedures (UGESP), 29 CFR 1607.4 and 1607.15A. The addition of this section will clarify the relation between the recordkeeping requirements of Part 1602 and UGESP. In addition, the Commission proposes several minor changes to update §§ 1602.7 and 1602.10.

The Commission also proposes to delete § 1602.14(b) of its Title VII recordkeeping regulations, which provides that the section 1602 recordkeeping requirements do not apply to temporary or seasonal positions. Similarly, the Commission proposes to delete §§ 1627.3(b)(3) and 1627.4(a)(2) of the ADEA recordkeeping regulations, which provide for a 90-day retention period for temporary positions, and to clarify the mandatory nature of such recordkeeping.

DATE: Written comments on the proposed regulations must be received on or before April 14, 1989.

Public Hearing: A public hearing concerning these matters will be separately announced in the Federal Register.

ADDRESS: Comments should be addressed to the Office of the Executive Secretariat, Room 507, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, DC 20507. Copies of comments submitted by the public will be available for review at the Commission's library, Room 242, 2401 E Street, NW., Washington, DC between the hours of 9:30 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT: Nicholas M. Inzeo, Assistant Legal Counsel, or Gary L. Janus at 202/634-6592.

SUPPLEMENTARY INFORMATION: The current regulation § 1602.14 provides that personnel or employment records made or kept by an employer shall be presreved by the employer for a period of 6 months from the date of the making of the record or the personnel action involved, whichever is later. This requirement was promulgated before the filing time for a Title VII charge was changed from 90 days to 180 days (or, in some instances, 300 days in deferral states). Thus, requiring an employer or labor organization to maintain records for 6 months if no charge was filed at that time appeared to be more than adequate to ensure that all applicable records were kept. Because of the lengthened period during which a charge may now be filed, it is no longer true that employers or labor organizations will necessarily have retained records until the Title VII filing time expires. Under the current regulation, an employer or labor organization may have lawfully already destroyed employment records by the time it receives notice of a charge. The Commission therefore proposes to amend §§ 1602.14 and 1602.28(a) to require employers and labor organizations to keep their records for one year, so that there is no possibility that an employer or labor organization will have legally destroyed its employment records before being notified that a charge has been filed. Moreover, a one-year retention period for employers and labor organizations subject to Title VII will make the records retention period the same as required by the Commission's regulations under the Age Discrimination in Employment Act (ADEA), 29 U.S.C. 621 *et seq.* 29 CFR

1627.3(b)(1) and 1627.4(a)(1). Such a uniform retention period will simplify and clarify recordkeeping for employers subject to both Title VII and the ADEA. In order to eliminate confusion regarding recordkeeping under the ADEA, the Commission also proposes to delete § 1602.14(b) of its Title VII recordkeeping regulations, which provides that the section 1602 recordkeeping requirements do not apply to temporary or seasonal positions. Similarly, the Commission proposes to delete §§ 1627.3(b)(3) and 1627.4(a)(2) of the ADEA recordkeeping regulations, which provide for a 90-day records retention period for temporary positions, and to clarify the mandatory nature of such recordkeeping. These changes would in effect extend the one-year retention requirement to temporary positions subject to Title VII and the ADEA. The Commission invites comments as to whether this requirement would unduly increase the present recordkeeping burden.

The Commission also proposes to add a section to Part 1602 incorporating by reference the Commission's recordkeeping requirements under the Uniform Guidelines on Employee Selection Procedures (UGESP), 29 CFR 1607.4 and 1607.15A. The addition of this section will clarify the relation between the recordkeeping requirements of Part 1602 and UGESP. Subsection 709(c) of Title VII, 42 U.S.C. 2000e–8(c), provides, *inter alia*, that any person who fails to maintain information as required by that subsection and Commission regulations may, upon application of the Commission or the Attorney General in a case involving a government, governmental agency or political subdivision, be ordered to comply by the appropriate United States District Court. At present, Commission regulations do not provide that the Commission may conduct an investigation when it has reason to believe an employer or other entity subject to Title VII has failed to comply with the recordkeeping requirements of Part 1602. The Commission proposes to clarify the regulations to more clearly state its authority to enforce section 709(c) of Title VII. The addition of this section is consistent with the Commission's authority to issue suitable procedural regulations to carry out the provisions of Title VII. 42 U.S.C. 2000e–12(a).

The proposed revisions to § 1602.7 would change the annual EEO–1 reporting date from March 31 to September 30, effective in 1989. It was determined that this change will result in a reporting date that is less affected by the variation in seasonal employment than the present date and will provide employment figures which reflect annual average employment more closely than at present. The proposed revisions to § 1602.7 would delete the reference to the "100-employee test." The address for obtaining necessary reporting supplies would also be changed from "Jeffersonville Indiana" to "the Commission or its delegate." The proposed revision to § 1602.10 would delete the reference to "section 4(c) of the Instructions" and substitute "section 5 of the Instructions." The reference to the 100-employee jurisdictional test of section 701(b) of Title VII is deleted since the number of employees required for an employer to be subject to Title VII is now 15 or more. This change in no way affects the present EEO–1 reporting requirement of 100 or more employees which is set out in the Instructions to the EEO–1 report.

The Commission notes that retention of the records for the proposed period of one year will only minimally increase, if at all, the employer's cost of maintaining these records. Employers are already required to maintain the records for a period of 6 months. The cost of retaining these records for an additional 6 months will be minimal. Moreover, most employers subject to Title VII are also subject to the ADEA, which presently requires that similar records be retained for a period of one year. For these reasons, the Commission believes that the above proposed changes will not have an "annual effect" on the economy of $100 million or more as those terms are used in Executive Order 12291. Accordingly, these proposed modifications do not constitute a "major rule," and a regulatory impact analysis is not required by Executive Order 12291.

The Commission estimates that the proposed changes to §§ 1602.14 and 1602.28(a) increasing the Title VII records retention period from 6 months to one year will result in an increased recordkeeping burden on employers of approximately 9,000 burden hours annually. It is estimated that the proposed changes in the Title VII and ADEA recordkeeping requirements for employers with temporary employees will result in an increased recordkeeping burden of approximately 20,800 burden hours annually. The Commission believes that this increase in burden hours is *de minimis* and that the proposed modifications will not have a significant impact on a substantial number of small employers. Further, the Commission believes that the above-cited benefits of the proposed modifications outweigh the minimal increase in recordkeeping burden hours on employers. For the above reasons, the Commission certifies under 5 U.S.C. 605(b), enacted by the Regulatory Flexibility Act (Pub. L. No. 96–354), that these proposed modifications will not result in a significant economic impact on a substantial number of small employers and that a regulatory flexibility analysis is therefore not required.

List of Subjects in 29 CFR Parts 1602 and 1627

Equal employment opportunity, Reporting and recordkeeping requirements.

For the Commission.

Clarence Thomas,

Chairman.

Accordingly, it is proposed to amend 29 CFR Parts 1602 and 1627 as follows:

PART 1602—[AMENDED]

1. The authority citation for 29 CFR Part 1602 continues to read as follows:

Authority: Secs. 709, 713, 78 Stat. 263, 265; 42 U.S.C. 2000e–8, 2000e–12; 44 U.S.C. 3501 *et seq.*

§ 1602.7 [Amended]

2. It is proposed to revise the first sentence of § 1602.7 as follows:

On or before September 30, 1989, and annually thereafter, every employer subject to Title VII of the Civil Rights Act of 1964, as amended, shall file with the Commission or its delegate executed copies of Standard Form 100 as revised (otherwise known as "Employer Information Report EEO–1") in conformity with the directions set forth in the form and accompanying instructions. * * *

3. It is proposed to revise the last sentence of § 1602.7 as follows:

* * * Appropriate copies of Standard Form 100 in blank will be supplied to every employer known to the Commission to be subject to the reporting requirements, but it is the responsibility of all such employers to obtain necessary supplies of same prior to the filing date from the Commission or its delegate.

§ 1602.10 [Amended]

4. It is proposed to amend § 1602.10 by removing the words "section 4(c)" and replacing them with the words "section 5."

§ 1602.14 [Amended]

5. It is proposed to amend § 1602.14(a) by removing the words "6 months" wherever they appear and replacing them with the words "one year."

§§ 1602.14, 1602.31, 1602.40 and 1602.49 [Amended]

6. It is proposed to remove §§ 1602.14(b), 1602.31(b), 1602.40(b), and 1602.49(c) in their entirety.

§ 1602.28 [Amended]

7. It is proposed to amend § 1602.28(a) by removing the words "6 months" and replacing them with the words "one year."

8. It is proposed to add a new Subpart R consisting of § 1602.56 to read as follows:

Subpart R—Investigation of Reporting or Recordkeeping Violations

§ 1602.56 Investigation of reporting or recordkeeping violations.

When it has received an allegation, or has reason to believe, that a person has not complied with the reporting or recordkeeping requirements of this Part or Part 1607 of this chapter, the Commission may conduct an investigation of the alleged failure to comply.

9. It is proposed to add a new Subpart S consisting of § 1602.57, which reads as follows:

Subpart S—Recordkeeping Requirements of Part 1607—Uniform Guidelines on Employee Selection Procedures (1978)

§ 1602.57 Applicability of recordkeeping requirements of Part 1607.

The recordkeeping requirements of §§ 1607.4 and 1607.15 A of this chapter are incorporated into Part 1602 of this chapter.

PART 1627—[AMENDED]

10. The authority citation for 29 CFR Part 1627 continues to read as follows:

Authority: Sec. 7, 81 Stat. 604; 29 U.S.C. 626; sec. 11, 52 Stat. 1066, as amended, 29 U.S.C. 211; sec. 2, Reorg. Plan No. 1 of 1978, 43 FR 19807.

§§ 1627.3 [Amended]

11. It is proposed to remove § 1627.3(b)(3) in its entirety and redesignate the present § 1627.3(b)(4) as § 1627.3(b)(3).

12. It is proposed to amend new § 1627.3(b)(3) by removing the word "may" and replacing it with the "shall."

§ 1627.4 [Amended]

13. It is proposed to remove § 1627.4(a)(2) in its entirety and redesignate the present § 1627.4(a)(3) as § 1627.4(a)(2).

14. It is proposed to amend new § 1627.4(a)(2) by removing the word "may" and replacing it with the word "shall."

§ 1627.5 [Amended]

15. It is proposed to amend § 1627.5(c) by removing the "may" and replacing it with the word "shall."

[FR Doc. 89-3309 Filed 2-10-89; 8:45 am]
BILLING CODE 6570-06-M

LIBRARY OF CONGRESS

36 CFR Ch. VII

National Film Preservation Board; Proposed Guidelines for Selection of Films and Proposed Procedures for Public Participation in Selection of Films

AGENCY: Library of Congress, National Film Preservation Board.

ACTION: Notice of proposed guidelines.

SUMMARY: This notice of proposed guidelines is issued to inform the public that the Librarian of Congress pursuant to section 3 of Pub. L. 100-446, The National Film Preservation Act of 1988, 2 U.S.C. 178, and pursuant to the rule-making procedures provided in subchapter II of chapter 5 of title 5, United States Code, known as the Administrative Procedures Act, publishes the following proposed guidelines for public comment to:

(A) Establish criteria for guidelines pursuant to which such films may be included in the National Film Registry, except that no film shall be eligible for inclusion in the National Film Registry until 10 years after such film's first theatrical release; and

(B) Establish a procedure whereby the general public may make recommendations to the Board regarding the inclusion of films in such National Film Registry.

DATE: Comments should be received on or before March 15, 1989.

ADDRESSES: Copies of written comments on these proposed guidelines should be addressed to:

Dr. James H. Billington, Librarian of Congress, The National Film Registry, The Library of Congress, Washington, DC 20540, Attention: Eric Schwartz, Counsel. Telephone inquiries: (202) 707-8350.

FOR FURTHER INFORMATION CONTACT: Eric Schwartz, Counsel, The National Film Preservation Board, Library of Congress, Washington, DC 20540. Telephone: (202) 707-8350.

Proposed Guidelines: The Librarian of Congress, Dr. James H. Billington, after consultation with the National Film Preservation Board, which met in an open session, on January 23, 1989 in Washington, DC, announces the following are subject to public comment for a period to end on March 15, 1989.

Proposed Guidelines for the Selection of Films for Inclusion into the National Film Registry

(1) All of the films nominated for selection into the National Film Registry should reflect the congressional findings in section 1 of the National Film Preservation Act (Pub. L. 100-446) which reads,

the Congress finds that—

(1) motion pictures are an indigenous American art form that has been emulated throughout the world;

(2) certain motion pictures represent an enduring part of our Nation's historical and cultural heritage; and

(3) it is appropriate and necessary for the Federal Government to recognize motion pictures as a significant American art form deserving of protection.

In accordance with the intent of Congress, all of the following criteria for guidelines for the selection of films into the National Film Registry are intended to be read broadly, so that as many films as possible will be eligible.

(2) For the purposes of film selection, a "film" is defined as a feature-length, theatrical motion picture at or after its first theatrical release.

(3) Films should be given a priority for selection to the National Film Registry if they are culturally, historically or aesthetically important.

(4) Films should not be considered for inclusion into the National Film Registry if no element or copy of the film exists. While the Librarian intends to promote the goals of film preservation provided for in the Act, no film should be denied inclusion into the National Film Registry because that film has already been preserved.

(5) No film is eligible for inclusion into the National Film Registry until 10 years after such film's first theatrical release.

The Librarian of Congress, Dr. James H. Billington, after consultation with the National Film Preservation Board, which met in an open session, on January 23, 1989 in Washington, DC, announces the following are subject to public comment for a period to end on March 15, 1989.

Proposed Procedures for the Public to Recommend Films for Inclusion into the National Film Registry

(1) All notices of meetings of the National Film Preservation Board will be published in the **Federal Register**.

(2) A mailing address within the Library of Congress, will be established in order to allow the public to make nominations of films to the Librarian and the National Film Preservation

Board. All nominations should include the film title only, unless additional information is necessary to prevent confusion with similarly named titles.

(3) Materials will be prepared for congressional offices to send information to constituents who wish to make nominations. Materials will also be made available for distribution to libraries, movie theaters, and through the guilds and societies representing actors, directors, screenwriters, producers, and film critics, film preservation organizations and representatives of academic institutions with film study programs, in order to encourage broad participation from the general public. The nominations, when received, will be forwarded to the Librarian of Congress and members of the Board to assist them in making selections of films into the National Film Registry.

(4) The Librarian of Congress will study the possibility in future years of broadcasting notices to the public on television and radio, after further review by the Board and after consulting with the broadcast industry.

(5) All nominations for inclusion of films into the National Film Registry, for 1989, from whatever source, must be submitted in writing, by mail, to the Librarian of Congress *no later than April 21, 1989.* All nominations should be mailed to: National Film Registry, Library of Congress, Washington, DC 20540.

Dated: February 7, 1989.

Approved by:

James H. Billington,

The Librarian of Congress.

[FR Doc. 89-3225 Filed 2-10-89; 8:45 am]

BILLING CODE 1410-07-M

Notices

Federal Register
Vol. 54, No. 28
Monday, February 13, 1989

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1989-Crop Honey Price Support Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of Proposed Determinations.

SUMMARY: The purpose of this notice is to propose a level of price support for the honey price support program for the 1989-crop and to propose continuation of the lower loan repayment provisions now in place for the 1988-crop. These proposed determinations are made in accordance with the provisions of section 201(b) of the Agricultural Act of 1949, as amended. Written comments are invited from interested persons.

DATE: Comments must be received on or before March 15, 1989, in order to be assured of consideration.

ADDRESS: Mail comments to Bruce R. Weber, Director, Commodity Analysis Division, USDA–ASCS, Rm. 3741 South Building, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Jane K. Phillips, Agricultural Economist, Commodity Analysis Division, USDA–ASCS, Room 3754 South Building, P.O. Box 2415, Washington, DC 20013, (202) 447–7602. The Preliminary Regulatory Impact Analysis describing the options considered in developing these proposed determinations and the impact of implementing each option is available from the above-named individual.

SUPPLEMENTARY INFORMATION: These proposed determinations have been reviewed under USDA procedures implementing Executive Order 12291 and Departmental Regulation 1521–1 and have been classified "not major." It has been determined that these proposed determinations will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal assistance program to which these proposed determinations apply are: Commodity Loans and Purchases; 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice of proposed determinations since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

In order to implement a price support program for the 1989 crop of honey by April 1, 1989, the beginning of the marketing season, comments must be received by March 15, 1989 to be assured of consideration.

Domestic production, imports, CCC and commercial stocks, and honey pledged as collateral for CCC price support loans are expected to result in a total supply of honey in the United States for 1989 of 440 million pounds.

Section 201(b) of the Agricultural Act of 1949 (the Act), as amended by the Food Security Act of 1985, provides that the price support level for the 1989 crop of honey shall be 95 percent of the price support rate for the previous year's crop, but not less than 75 percent of the simple average price received by producers of honey for the preceding 5 crop years, excluding the high and low years. The Omnibus Budget Reconciliation Act of 1987 amended section 201(b) of the Act by adding subparagraph D which requires that, once the support levels have been determined using the above method, the rates for the 1987 through 1990 crops must be reduced by specified amounts. Pursuant to subparagraph D, the amount specified for the 1989 crop must be reduced by 0.5 cents. The price support loan rate for the 1988 crop of honey was 59.85 cents per pound prior to being reduced in accordance with subparagraph D. This amount, when reduced by 5 percent, equals 56.86 cents per pound. Seventy-five percent of the simple average price received by producers in the 5 preceding crop years, excluding the highest and lowest years, is 50.46 cents per pound. Therefore, since the established loan rate (56.86 cents per pound) is in excess of that amount, 56.86 cents per pound is reduced by 0.5 cents per pound, resulting in a price support loan rate for 1989-crop honey of 56.36 cents per pound.

In accordance with section 403 of the Act, it is proposed that the loan rate for the 1989 crop of honey be adjusted appropriately to reflect floral source, color, class and grade, and other market differentials, such as location, which are applicable to the marketing of honey.

Under the provisions of section 201(b) of the Act the Secretary may permit producers who have obtained price support loans with respect to the 1986–1990 crops of honey to repay such loans at a level that is the lesser of:

(a) The loan level determined for such crop; or

(b) Such level that the Secretary determines will:

(1) Minimize the number of loan forfeitures;

(2) Not result in excessive total stocks of honey;

(3) Reduce the costs incurred by the Federal Government in storing honey; and

(4) Maintain the competitiveness of honey in domestic and export markets.

Accordingly, the following determinations are proposed with respect to the 1989-crop:

Proposed Determinations

The 1989 program will be a price support loan program with a loan rate of 56.36 cents per pound as required by statute.

The 1989-crop honey loan rate will be adjusted to reflect floral source, color, class and grade, and other market differentials, such as location, under which honey is marketed.

Producers with price support loans for the 1989-crop honey will be permitted to repay such loans at the lesser of the loan level for such crop or at a level which the Secretary of Agriculture, or a designee, determines will minimize the number of loan forfeitures, not result in excessive total stocks of honey, reduce

the costs incurred by the Federal Government in storing honey, and maintain the competitiveness of honey in domestic and export markets. At this present time, it is contemplated that a repayment level may be established in a range of 30 to 40 cents a pound. These levels roughly reflect the wide range of potential landed import prices for honey. A repayment level in this range would result in direct competition with imported honey whereby commercial sales of domestically produced honey would increase and total stocks of domestically produced honey would decrease. This increased competition would minimize the number of loan forfeitures and thus reduce the costs incurred by the Federal Government in storing honey. Repayment within this range would not only make domestically produced honey more competitive with foreign honey in domestic markets but would increase its competitiveness in foreign markets as well.

Consideration will be given to all views and recommendations that are received within the comment period relating to the above determinations.

All comments will be available for public inspection in room 3741 of USDA's South Building during business hours (8:00 a.m. to 4:30 p.m.).

Signed at Washington, DC, on February 7, 1989.

Milton J. Hertz,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 89-3346 Filed 2-10-89; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census.
Title: The 1990 Census of the United States Virgin Islands.
Form Number: D-2 VI, D-20B VI, D-31 VI.
Type of Request: New.
Burden: 17,930 hours.
Number of Respondents: 39,000.
Average Hours Per Response: 27.5 minutes.
Needs and Uses: The 1990 decennial census will cover the population and housing characteristics of all residents in the Virgin Islands of the United States. The United States Constitution calls for a census to be conducted at least every 10 years. Census data will be used to allocate territorial and Federal funds and in private sector decision making.
Affected Public: Individuals or households.
Frequency: One time only.
Respondent's Obligation: Mandatory.
OMB Desk Officer: Francine Picoult, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room H6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Francine Picoult, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: February 8, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-3312 Filed 2-10-89; 8:45 am]

BILLING CODE 3510-07-M

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Economic Analysis.
Title: Defense Research, Development, Test, and Evaluation Index Data Requirements.
Form Number: Agency—NA; OMB—0608-0033.
Type of Request: Extension of the expiration date of a currently approved collection.
Burden: 100 respondents; 700 reporting hours.
Average Hours Per Response: 7 hours.
Needs and Uses: The survey collects data for use in estimating constant-dollar purchases of contractual research and development by the Department of Defense. These estimates are used in the compilation of the gross national product of the United States.
Affected Public: Businesses or other for-profit institutions.
Frequency: Quarterly.
Respondent's Obligation: Voluntary.
OMB Desk Officer: Francine Picoult, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room H6622, 14th Street and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Francine Picoult, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: February 8, 1989.

Edward Michals,

Department Clearance Officer, Office of Management and Organization.

[FR Doc. 89-3313 Filed 2-10-89; 8:45 am]

BILLING CODE 3510-CW-M

Bureau of Export Administration

Presidential Decision; Petroleum Section 232 National Security Import Investigation

AGENCY: Department of Commerce, Bureau of Export Administration, Export Administration, Office of Industrial Resource Administration.

ACTION: Announcement of Presidential Decision.

SUMMARY: On January 3, 1989, President Reagan determined that no action is necessary to adjust imports of petroleum under authority of section 232 of the Trade Expansion Act of 1962, as amended. Included herein is the Executive Summary of the Department of Commerce's December 1988 section 232 report to the President.

FOR FURTHER INFORMATION CONTACT: John A. Richards, Deputy Assistant Secretary for Industrial Resource Administration, U.S. Department of Commerce, Washington, DC 20230, (202) 377-4506.

SUPPLEMENTARY INFORMATION: On December 1, 1987, the National Energy Security Committee (NESC) petitioned the Department of Commerce (DOC) to conduct an investigation under section 232 of the Trade Expansion Act of 1962, as amended, to determine the effect of imports of petroleum on the national security. The DOC announced its initiation of an investigation and solicited public comments in the Federal Register on December 29, 1987.

On December 1, 1988, then-Secretary Verity submitted his investigation report to President Reagan. The investigation found that there had been a substantial improvement in U.S. energy security since the last section 232 petroleum finding in 1979. However, declining domestic oil production, rising oil imports and growing Free World

dependence on potentially insecure sources of supply raise a number of concerns, including vulnerability to a major supply disruption. Given the importance of oil to our economic security, foreign policy flexibility, and defense preparedness, the Secretary found that imports of petroleum threaten to impair the national security.

However, taking into account the Reagan Administration's detailed program to improve energy security transmitted to Congress on May 6, 1987, the Secretary recommended that no action, such as an oil import fee, be taken to adjust imports under section 232. It was determined that such action would not be cost effective and, in the long run, would impair rather than enhance national security. On January 3, 1989, President Reagan approved Secretary Verity's finding and determined that no action to adjust oil imports under Section 232 need be taken.

The Executive Summary of Commerce's December 1, 1988 Section 232 report is reproduced below. A declassified version of the December 1 report will be available for public review and duplication in the Bureau of Export Administration's Office of Security and Management Support, Room 4886, U.S. Department of Commerce, Washington, DC 20230, (202) 377–2593.

Paul Freedenherg,

Under Secretary for Export Administration.

Executive Summary

Introduction

On December 1, 1987, the National Energy Security Committee, on behalf of a coalition of associations, companies, and individuals, submitted a petition for an investigation under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862) for an investigation of the impact of crude oil and refined petroleum product imports on the national security.

The petition alleged that imports are weakening the domestic petroleum industry to such an extent that it will not be able to support U.S. security needs in the event of a global conventional war. The petition did not suggest a specific remedy, but requested that the Department of Commerce (DOC) "recommend appropriate remedial action to the President."

On December 23, 1987, the Department of Commerce accepted the petition, initiated an investigation and invited public comment. (Extensive comments reflecting support for and opposition to the allegations made by the petition were received from oil producers, refiners, consumers, public officials, and foreign governments.)

Under then-existing law, DOC had one year, until December 1, 1988, in which to complete its investigation and forward its report with recommendations to the President. (Since that time, Congress has amended the statute to require future reports to be completed within 270 days.) In conducting the investigation, the Department made use of the extensive data and analysis that were already available regarding the current and prospective status of the domestic petroleum industry and the world oil market as well as the extensive recent national security analyses of oil supply and demand under crisis conditions.

Methodology

The investigation used a three step process to evaluate the effect of petroleum imports on the national security. The methodology for this investigation was to: (1) Review previous energy security assessments and resulting initiatives; (2) review current world oil market and status of U.S. petroleum producing and refining industries to develop a current U.S. energy security assessment; and (3) perform a national security review.

Analysis

The investigation commenced with a review of previous analyses of the effect of oil imports on the domestic petroleum industry and on United States energy security. These included national security investigations conducted in 1975 and in 1979 under section 232 of the Trade Expansion Act of 1962, as well as the 1959 investigation under section 8(d) of the Trade Agreements Extension Act of 1958. DOC also reviewed the analyses and findings of two major studies done by the Department of Energy (DOE)—"Product Imports, Energy Security and the Domestic Refining Industry" (1986) and "Energy Security: A Report To The President of the United States," (1987) and other studies done by the Administration since 1981. This review highlighted the focus of several Administrations regarding this issue.

The investigation presented an analysis of the current and prospective status of U.S. energy security in light of recent developments in the world oil market. This analysis highlighted a number of key trends and factors which will have a significant effect on U.S. energy security in the future.

Since 1979, U.S. energy security has been strengthened and the United States is better prepared than before to deter as well as respond to an energy supply emergency. The following factors have served to enhance U.S. energy security since the late 1970's:

- U.S. petroleum imports have declined by over 2 million barrels per day (MMB/D) from 1979 to 1987 or 27 percent. The U.S. Strategic Petroleum Reserve (SPR) now contains over 555 million barrels, whereas in 1979, only 91 million barrels were stored. Other OECD countries' government-owned emergency oil stocks now amount to 400 million barrels and coordinated energy emergency sharing programs have been developed and tested regularly. In addition, many private companies have stocks in excess of commercial needs. Some of these stocks are potentially available for use in an emergency situation. Non-OPEC oil production now accounts for 60 percent of Free World oil production, approximately 9–10 MMB/D of surplus oil production capacity exists in the market. Natural gas supplies use has been expanded in non-OPEC countries. The construction of additional crude oil pipelines has diversified Middle East oil transportation patterns and thus has reduced the share of Persian Gulf production delivered to world markets through the Straits of Hormuz.
- There have also been important developments in conservation and interfuel substitution that contribute to enhancing U.S. energy security. The United States consumed only as much energy in 1987 as it did in 1973, even though the economy grew 40 percent over that period. At the same time, many large oil users such as industrial firms and utilities have developed the capability to substitute large volumes of natural gas or coal for imported oil when economic conditions or other factors dictate.
- Since the late 1970's, there has been a shift in the sources and levels of U.S. oil import dependence. Sources outside of the Middle East now account for a larger share of U.S. oil imports. During 1987, Canada, Mexico, and the United Kingdom supplied 31 percent of net petroleum imports as compared to 15 percent in 1979.
- Although many small U.S. refineries have closed between 1981 and 1986, current U.S. refining capacity (15–16 million B/D) combined with imports from reliable Free World sources is sufficient to meet demand. The principal cause for the closure of 120 U.S. refineries during this time was the elimination of both crude oil price controls and the Small Refiner Bias Provision of the Entitlements Program.

The Department's investigation also identified a number of other factors affecting future U.S. energy security:

• Various U.S. Government energy reports have concluded that by the mid-1990's and beyond, we may be importing about half or more of our oil consumption. To the extent the United States and other countries import more oil in the future, it is projected they will turn increasingly to OPEC countries—particularly those located in the Persian Gulf region which have the largest amounts of surplus oil production capacity and reserves. Dependence on a small number of suppliers located largely in a volatile region could make the United States and the OECD countries increasingly vulnerable to oil supply disruptions or cartel manipulation of production and price.

• U.S. petroleum imports are likely to increase in the years ahead because domestic reserves of economically recoverable oil are declining. Further, as world crude oil prices have declined since 1986, the relatively smaller U.S. oil fields with higher cost U.S. production became uneconomic and some wells were shut-in or abandoned.

• The level of domestic drilling activity remains low, and the low prices have had an adverse effect on the U.S. petroleum services industries.

• The most promising currently known prospects for major new oil fields in the United States are in the Outer Continental Shelf (OCS) and in the Arctic National Wildlife Refuge (ANWR). Exploration and eventual production from these areas could help offset anticipated production declines in other parts of the United States, thereby helping to limit the growth in U.S. dependence on foreign oil supplies. However, the long lead times needed from exploration to production mean that it could still be a decade before oil is extracted, even if access were granted within the next year or so.

• Though not currently a problem, in the event of a large price or volume increases, rising outlays for imported oil would increase the need for expansion of exports or decreases in other imports. However, if priced below the cost of domestic supplies, expanding oil imports would enhance domestic economic efficiency and continue contributing to the international competitiveness of U.S. firms.

• On the other hand, lower priced oil has had a beneficial effect on U.S. international competitiveness and economic growth thereby contributing to one of the longest sustained post-war economic recoveries.

In addition, national defense petroleum mobilization requirements were evaluated in light of previous national security studies and a review of the current world oil market. It was determined that the United States would be able to meet defense requirements and essential industrial and civilian needs in a major conventional war from domestic energy production, the Strategic Petroleum Reserve, and reliable petroleum imports. It was also determined that we have sufficient refining capacity to process this oil.

In the event of a three year, large scale conventional conflict coupled with a substantial decrease in oil supplies, defense needs would receive priority. Consequently, domestic dislocations resulting from decreased petroleum availability could be significant and have a significant deleterious effect upon the U.S. economy. Further, growing Free World dependence on potentially insecure sources of oil can constrain foreign policy flexibility and U.S. military power projection capabilities even in peacetime.

Finding

There have been substantial improvements in U.S. energy security since the last section 232 Petroleum finding in 1979. However, declining domestic oil production, rising oil imports, and growing Free World dependence on potentially insecure sources of supply raise a number of concerns, including vulnerability to a major supply disruption. The investigation found that the maintenance of U.S. access to sufficient supplies of petroleum is essential to our economic security, foreign policy flexibility, and defense preparedness. Given the above factors, it was found that petroleum imports threaten to impair the national security.

U.S. Government Energy Actions Which Enhanced National Security

Since 1981, the Administration has implemented policies that have substantially increased U.S. energy and national security. Major actions include: (1) Fully decontrolling oil prices in 1981 and eliminating allocation controls; and (2) filling the Strategic Petroleum Reserve to 555 million barrels and committing to a 750 million barrel reserve. Other actions to enhance energy security and maintain a strong domestic oil industry include:

• Reestablishing the five-year Outer Continental Shelf (OCS) leasing program and reducing the minimum bid for certain offshore leases.

• Increasing Federal spending for clean coal to $2.5 billion over the next five years and reestablishing a Federal coal leasing program.

• Preserving the intangible drilling costs treatment in the Tax Reform Act of 1986 and retaining the full-cost accounting provisions.

• Encouraging our allies and friends to build up their government-owned strategic stockpiles, which amount to about 400 million barrels (mostly in Germany and Japan), and to coordinate stock drawdowns during an emergency.

• Developing with our partners in the International Energy Agency policies and programs, including stock drawdown measures, for coordinated international responses to future oil supply disruption.

• Obtaining Congressional repeal of the Windfall Profits Tax which removes major disincentives for producers to develop further existing oil reserves, explore for new reserves, and reduce the paperwork burden on the industry.

• The implementation of the U.S.-Canada Free Trade Agreement which will promote increased bilateral energy trade and provide reliable supplies at competitive prices.

Recommendations

While U.S. energy security has improved since the 1970's, a threat to U.S. national security cannot be ignored and future projected trends require vigilance. Although no single program or specific action could eliminate U.S. dependence on some insecure petroleum imports, there are a number of cost-effective actions that could reduce our vulnerability and increase our flexibility.

The best means to enhance U.S. energy security is to increase opportunities for economic domestic energy production and toensure that adequate oil supplies are available in the event of a supply disruption. The Congress and the States should continue to be urged to take immediate steps to implement the President's program. Specifically:

• *Enacting Comprehensive Natural Gas Reform*—this action would help gas to reach its full potential in substituting for imported oil;

• *Permitting Environmentally Sound Oil Exploration and Development of the Arctic National Wildlife Refuge Coastal Plain in Alaska and of the Outer Continental Shelf*—these are the most promising prospects for discovering major new oil reserves in the United States. Exploration and production from these areas would serve to limit our growing dependence on foreign oil;

• *Ensuring the Viability of Nuclear Power Through Licensing Reform*—This would involve the issuance of a combined license for both construction and operation of a nuclear power plant. This action would provide a vehicle so

that utility, public, State, and Federal concerns could be resolved before plant construction, thereby reducing project costs;

• *Removing Tax Disincentives To Domestic Oil Exploration and Development and Reducing Early Well Abandonment*—These consist of: (1) Increasing the net income limitation on the percentage depletion allowance from 50 to 100 percent per property; and (2) repealing the transfer rule to permit use of percentage depletion for proven properties that have changed hands;

• *Filling the SPR to 750 Million Barrels*—The Naval Petroleum Reserves at Elk Hills, California, and Teapot Dome, Wyoming, should be sold in order to finance an increased fill rate for the SPR, which is a more effective emergency reserve, and to pay for a new 10 million barrel Defense Petroleum Inventory;

An action to adjust imports by way of quotas, fees or tariffs, under the authority of section 232, is not recommended because such actions are not cost beneficial and, in the long run, impair rather than enhance national security. Section 232 states that "In the administration of this section, the Secretary and President shall further recognize the close relation of the economic welfare of the Nation to our national security * * *." An oil import fee and/or quantitative import restrictions would raise the price of oil resulting in only a small temporary increase in U.S. production, while causing substantial increased economic costs and adverse competitive impacts throughout the U.S. economy. In addition, the beneficial effect that the President's initiatives should have on U.S. energy security argues against taking formal action to adjust imports under section 232.

The DOE *Energy Security* report of 1987 examined oil import fees in detail. The report found that oil import fees have overall economic costs far in excess of their benefits. Specifically, the study concluded that a $10 per barrel fixed import fee could increase domestic production (about 400 thousand B/D) and discourage consumption, leading to a reduction of imports of about 1.5 million B/D.

However, a $10 per barrel import fee would have greater negative effects on the overall economy (*e.g.*, stimulating inflation, decreasing the competitiveness of oil consuming industries, reducing the GNP). Consumers would pay higher prices for oil and this would inflate costs throughout the economy. Thus, the economy would incur substantial adjustment costs. The Department of Energy has estimated that the economy would suffer a loss in output of $150–200 billion over the 1988–1995 period as a result of a $10 per barrel fee. This output loss would exceed the estimated benefits accruing from the fee. The DOE *Energy Security* report also analyzed the impact of a $5 per barrel fee on the economy. DOE estimates that the $5 fee would result in an additional 200,000 b/d of domestic oil production by 1995. However the $5 fee would also have the same negative effects on the economy as the $10 fee, albeit on a smaller scale. On balance, the costs of $5 fee outweigh the benefits to the petroleum sector. Additionally, other methods for affecting imports, such as volumetric quotas, would have similar economic and competitiveness impacts.

[FR Doc. 89–3311 Filed 2–10–89; 8:45am]
BILLING CODE 3510–DT–M

International Trade Administration

A–122–401

Red Raspberries From Canada; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Final Results of Antidumping Duty Administrative Review

SUMMARY: On July 28, 1988, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on red raspberries from Canada.

We held a public hearing on August 30, 1988. Based on our analysis of the issues raised at the hearing, the final results of review are changed from those presented in the preliminary results with respect to all four firms.

EFFECTIVE DATE: February 13, 1989.

FOR FURTHER INFORMATION CONTACT: Dolores C. Ricci or Laurie A. Lucksinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–1130/5253.

SUPPLEMENTARY INFORMATION:

Background

On July 28, 1988, the Department of Commerce ("the Department") published in the **Federal Register** (53 FR 28425) the preliminary results of its administrative review of the antidumping duty order on certain red raspberries from Canada (June 24, 1985, 50 FR 26019). We have now completed the review in accordance with Section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

The United States has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. On January 1, 1989, the United States fully converted to the Harmonized Tariff Schedule ("HTS"), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after that date is now classified solely according to the appropriate HTS item number(s).

Imports covered by this review are shipments of fresh or frozen red raspberries packed in bulk containers and suitable for further processing from Canada. During the review period, fresh raspberries were classifiable under item numbers 146.5400 and 146.5600 of the Tariff Schedules of the United States Annotated ("TSUSA") and frozen raspberries were classifiable under TSUSA number 146.7400. Fresh raspberries are currently classifiable under HTS numbers 0810.20.90 and 0810.20.10 and frozen raspberries are classifiable under HTS number 0810.20.20. The HTS numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers four processors/exporters of fresh and frozen red raspberries to the United States, Clearbrook Packers, Inc. ("Clearbrook"), Jesse Processing Ltd. ("Jesse"), Marco Estates Ltd./Landgrow ("Marco"), and Mukhtiar & Sons Packers, Ltd. ("Mukhtiar") and the period June 1, 1986 through May 31, 1987.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. At the request of four respondents, we held a public hearing on August 30, 1988.

Comment 1: Mukhtiar states that the Department erred in basing foreign market value ("FMV") on constructed value because Mukhtiar's home market sales constituted approximately 30% of sales by volume to a third country and, according to section 353.4 of the Commerce Regulations, are appropriate for use in determination of FMV.

Department's Position: We disagree. United States antidumping law is designed to offset the effects of unfair price discrimination. In order to determine whether such price

discrimination exists, we must compare prices charged in the United States with an appropriate measure of FMV. The regulations direct us to test home market sales against third country sales for the purpose of choosing the appropriate market for determining FMV. However, the sales in the selected market must be of sufficient magnitude to provide a meaningful basis for price-to-price comparisons.

Section 353.4 of the regulations establishes a five-percent test for assessing the viability of a foreign market in normal situations. Although the home market in this case is technically viable according to the five-percent test, we are presented with the unusual situation where the volume and number of sales of the subject merchandise in both the home market and third country markets do not provide an adequate basis for price-to-price comparisons. Where home market sales are greater than five percent of third country sales but are negligible compared to both the volume and number of sales to the United States, constructed value should be used to determine FMV.

Mukhtiar made only one home market sale of the subject merchandise during the period of review. Rather than taking a single home market sale of a quantity significantly smaller than the quantity sold to the United States, as representative of sales made in the ordinary course of trade, the Department determined that FMV should be based on constructed value. We believe that the use of constructed value in this situation is consistent with section 353.4 of our regulations and the overall intent of the antidumping law of the United States.

Comment 2: Mukhtiar argues that the Department did not use the correct revenue figure in its determination of profit for constructed value. Mukhtiar suggests that the Department use the gross price per pound received from the one sale of red raspberries in the home market as the total revenue figure in the determination of profit. To support its position, Mukhtiar cites 19 U.S.C. section 1677b(e)(1)(B) and Department policy which stress use of "profit equal to that usually reflected in sales of merchandise of the same general class or kind as that merchandise under consideration which are made by producers in the country of exportation."

Department's Position: We disagree. We have used the "total revenue" figure from respondent's constructed value information in our determination of profit. We believe this figure represents corporate revenue experience and is a more accurate indication of revenue for use in the determination of profit in a constructed value analysis. The Department subtracted total costs, as listed in Mukhtiar's constructed value response, from this total revenue figure to obtain a profit figure, which was greater than the statutory minimum of 8% of the cost of manufacture and general and selling expenses.

Comment 3: Mukhtiar argues that the Department's calculation of credit does not accurately reflect Mukhtiar's interest expense. Respondent proposes that the Department use an average of current assets for 1985 and 1986 in its determination of imputed interest for the review period. In addition, Mukhtiar asserts that the Department did not deduct home market credit from the constructed value, after adding U.S. credit, when comparing constructed value to purchase price.

Department's Position: We disagree. For these final results we did not impute a credit cost. Instead, we reviewed Mukhtiar's responses and used the amount reported in the constructed value response for credit expenses during the review period. In the preliminary results and in these final results we deducted home market credit from the constructed value when comparing constructed value to purchase price and exporter's sales price ("ESP").

Comment 4: Mukhtiar alleges a currency conversion error in the Department's calculation of freight. The figures in the original response were in U.S. dollars and did not need to be converted before deduction from the United States price.

Department's Position: We disagree. In response to a supplemental questionnaire, Mukhtiar provided freight expense information in Canadian dollars, as we had requested, because it incurred this expense in Canadian dollars. We converted the Canadian freight expense to U.S. dollars before deduction from United States price.

Comment 5: Clearbrook argues that the Department has no statutory authority to disregard its home market sales in favor of constructed value in determining FMV. Clearbrook states that its home market sales were an adequate measure of FMV and there was no indication that the sales were other than arm's length transactions.

Department's Position: We disagree. In this review, Clearbrook did not make third country sales and the combined volume of their two home market sales were so small in relation to the number and volume of sales to the United States that they did not provide a reasonable basis for price-to-price comparisons. Accordingly, we used constructed value to determine FMV. See our response to comment 1.

Comment 6: Clearbrook does not understand the element "indirect expenses" listed in the "Selling" expense category of the Department's constructed value. Clearbrook claims it did not report this figure as a home market selling expense.

Department's Position: We disagree. In its home market sales list, Clearbrook reported one related party commission and one unrelated party commission. In its response to our constructed value questionnaire, Clearbrook did not report this related party commission as a selling expense. It only reported the unrelated party commission. In order to account for this incurred expense, the Department derived the related party commission expense according to the methodology used by the respondent in its February 5, 1988 submission and listed this expense as "Indir. Exp." in its constructed value.

Comment 7: Clearbrook contends that the Department did not deduct an appropriate amount for credit expense incurred on home market sales from the FMV. Clearbrook reported credit expenses in its sales list and in its constructed value response.

Department's Position: We agree. For these final results, we reviewed Clearbrook's responses and deducted the amount reported in the constructed value response as the appropriate credit expense from the FMV.

Comment 8: Clearbrook states that in calculating FMV for ESP sales, the Department deducted an amount for indirect selling expenses indicating that it was subject to the ESP offset cap. The amount deducted is actually a cold storage charge. Clearbrook asserts that this is a direct expense, not an indirect one, and should not be subject to the ESP offset cap.

Department's Position: We disagree. Cold storage is not always a direct expense. Cold storage expenses incurred by the processor after a sale, relating to that sale, would be considered a direct expense. However, the cost associated with pre-sale cold storage is an indirect selling expense because it is not directly related to sales. In its initial response of November 12, 1987 Clearbrook states that "(t)he company packs berries in bulk containers and ships them to cold storage in either the U.S. or Canada where they are frozen and kept for sale." Since the berries are frozen first and sold afterward, we treated cold storage as an indirect expense. We used the average cold storage expense for its home market sales which Clearbrook

submitted in its constructed value response.

Comment 9: Jesse argues that for its three U.S. juice stock sales the Department should have used constructed value to determine FMV. The Department's use of the monthly weighted-average jam stock sales in Canada for determination of FMV is not consistent with the previous administrative review. Constructed value should be derived from Jesse's cost of production for jam, with an appropriate adjustment for differences in merchandise between the cost of acquiring unprocessed juice and jam berries.

Department's Position: We disagree In the previous administrative review, the Department stated that "(w)here possible, the Department has compared U.S. sales of juice stock raspberries with such berries in the home market" (53 FR 20150, June 2, 1988). Constructed value was used in the previous review only where Jesse's home market price fell below the cost of production and was therefore disregarded. The Department did not make an adjustment for differences in merchandise in that review. In this review, all of Jesse's home market sales were made at prices above the cost of production. We compared U.S. juice berry sales to sales of similar merchandise (jam berries) in the home market, with appropriate adjustments made for differences in merchandise.

Comment 10: Jesse argues that the Department neglected to deduct home market cold storage costs from the FMV. Cold storage costs represent a direct expense and should be deducted from home market prices or constructed value, whichever represents FMV.

Department's Position: We disagree. See our response to comment 8. Cold storage occurred before the sale so we deducted it from FMV as an indirect expense. In comparisons with ESP sales, we limited the amount of the cold storage expense by the indirect expenses on the U.S. sale. In purchase price transactions, we made no deduction for indirect expenses (such as cold storage).

Comment 11: Jesse asserts that we inappropriately added U.S. credit to the FMV. In fact, Jesse incurred no credit expense on these sales because payment occurred before shipment.

Department's Position: We agree and have not included U.S. credit in our final analysis of those U.S. sales for which Jesse incurred no credit expense.

Comment 12: Marco argues that the Department's decision to use constructed value is incorrect because there were contemporaneous home market sales upon which to base FMV. These sales, which Marco admits are of a "different type of berry", are the appropriate basis for calculating FMV. The Department should use these sales of fresh market berries and make an adjustment for the differences in container costs and the differences in the "market value" of the berries.

Department's Position: We disagree. Only sales of such or similar merchandise are used as a basis for price comparisons. Section 771(16) of the Act requires, in part, that "such or similar" merchandise be "merchandise which is the subject of an investigation and other merchandise which is identical in physical characteristics with * * * that merchandise" or merchandise like the merchandise under investigation in "the purposes for which used."

Fresh market berries were not subject to the less than fair value ("LTFV") investigation as product coverage of the petition did not cover these berries (see Petition for Antidumping Duty Relief ("Petition"), p. 10). Moreover, petitioner's exclusion of fresh market berries was based in part on the product's different purpose and use. Fresh market berries are sold for consumption or retail sale, not for further manufacturing or processing as are the berries that were subject to the LTFV investigation. These latter berries are used to make jams, jellies, preserves and fruit toppings. They are also used in the production of yogurt, baked goods, and confectionary and juice products (see Petition, p. 15; see Determination of the Commission in Investigation No. 731–TA–196 (Final), USITC Pub. 1707, June, 1985, pp. A 4, A–6).

Because fresh market berries do not satisfy the requirements of Section 771(16), the Department did not use sales of such berries as a basis for price comparisons.

Comment 13: The Department made various clerical errors in its calculations for all four companies.

Department's Position: We have corrected clerical errors where appropriate.

Final Results of Review

Based on our analysis of the comments received, we have determined that the following margins exist for the firms for the period June 1, 1986 through May 31, 1987:

Processor/Exporter	Margin (percent)
Clearbrook Packers, Inc.	2.59
Jesse Processing, Ltd	5.21
Marco Estates, Ltd	9.15
Mukhtiar & Sons Packers, Ltd	3.67

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, as provided for in section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margins shall be required for these firms.

For any shipments from the remaining known processors and/or exporters not covered by this review, the cash deposit will continue to be at the rate published in the antidumping duty order for each of those firms (June 24, 1985, 50 FR 26019). For any future entries of this merchandise from a new exporter not covered in this or prior administrative reviews, whose first shipments of red raspberries occurred after May 31, 1987, and who is unrelated to any reviewed firm or any previously reviewed firm, a cash deposit of 9.15 percent shall be required.

These deposit requirements are effective for all shipments of Canadian fresh or frozen red raspberries entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53a of the Commerce Regulations (19 CFR 353.53a).

Date: February 8, 1989.

Jan W. Mares,

Assistant Secretary for Import Administration

[FR Doc. 89–3344 Filed 2–10–89; 8:45 am]

BILLING CODE 3510–DS–M

[C-508-802, C-580-802, and C-559-803]

Postponement of Final Countervailing Duty Determinations: Industrial Belts and Components and Parts Thereof, Whether Cured or Uncured, From Israel, the Republic of Korea, and Singapore

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: Based upon the request of the petitioner in these investigations, we are postponing the due date for the final determinations in these investigations to correspond to the date of the final determinations in the antidumping duty investigations of the same products from the Federal Republic of Germany, the Republic of Korea, Israel, Italy, Japan, Singapore, and the United Kingdom pursuant to section 705(a)(1) of the Tariff Act of 1930 as amended (the Act) (19 U.S.C. 1671d(a)(1)). These final determinations are now due not later than April 11, 1989. Because the preliminary countervailing duty determinations on imports of the subject merchandise from Israel and Korea were affirmative, pursuant to section 705 of the Act and Article 5, paragraph 3 of the Subsidies Code, the Department will terminate the suspension of liquidation of entries of the subject merchandise from these countries 120 days after the date of publication of the preliminary countervailing duty determinations.

EFFECTIVE DATE: February 13, 1989.

FOR FURTHER INFORMATION CONTACT: Roy Malmrose or Barbara Tillman, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377–5414 or 377–2438.

SUPPLEMENTARY INFORMATION: On November 28, 1988, we issued a preliminary negative countervailing duty determination in the investigation involving Singapore (53 FR 48677, December 2, 1988) and preliminary affirmative determinations in the investigations involving Israel (53 FR 48670, December 2, 1988) and Korea (53 FR 48672, December 2, 1988). On October 24, 1988, in accordance with section 705(a)(1) of the Act, we received a request from the petitioner, the Gates Rubber Company, to postpone the due date for the final countervailing duty determinations to correspond to the date of the final determinations in the antidumping duty investigations of the same products from the Federal Republic of Germany, the Republic of Korea, Israel, Italy, Japan, Singapore, and the United Kingdom. Accordingly, we are postponing the final determinations in these investigations from February 13, 1989, to not later than April 11, 1989.

In accordance with section 705 of the Act and Article 5, paragraph 3, of the Subsidies Code, the Department will direct the U.S. Customs Service to terminate the suspension of liquidation of entries of the subject merchandise from Israel and Korea on April 1, 1989, which is 120 days from the date of publication of the preliminary determinations in the countervailing duty investigations involving Israel and Korea. No cash deposits or bonds for potential countervailing duties will be required for merchandise which enters from Israel and Korea on or after April 1, 1989. The suspension of liquidation in either case will not be resumed unless and until the Department publishes a countervailing duty order in that case. The U.S. Customs Service, however, will continue to suspend liquidation of any entries, or withdrawals from warehouse for consumption, made during the period December 2, 1988, through March 31, 1989, until the conclusion of the countervailing duty investigations involving Israel and Korea.

Public Comment

All interested parties to the investigations have requested a hearing. Therefore, in accordance with 19 CFR 355.38, we will hold public hearings to afford interested parties an opportunity to comment on the preliminary determinations in these investigations as follows: for Korea on March 2, 1989, at 9:30 a.m. at the U.S. Department of Commerce, Room 1851; for Singapore on March 2, 1989, at 2:30 p.m. at the U.S. Department of Commerce, Room 3708; and for Israel on March 3, 1989, at 10:00 a.m. at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Ten copies of the business proprietary version and seven copies of the nonproprietary version of the pre-hearing briefs must be submitted to the Assistant Secretary by February 24, 1989. Oral prersentations will be limited to issues raised in the briefs.

February 7, 1989.

Jan W. Mares,

Assistant Secretary for Import Administration.

[FR Doc. 89–3345 Filed 2–10–89; 8:45 am]

BILLING CODE 3510-DS-M

Export Trade Certificate of Review

AGENCY: International Trade Administration.

ACTION: Notice of Application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Thomas H. Stillman, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (Pub. L. 97–290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and Federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1223, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 89–00001." A summary of the application follows.

Applicant: Illinois World Trade Center Association doing business as EXILL Trading Company ("EXILL"), 321 North Clark Street, Suite 550, Chicago, Illinois 60610–4714, Telephone: (312) 793–4988.

Application #: 89–00001.

Date Deemed Submitted: January 30, 1989.

Members (in addition to applicant): None.

Summary of the Application

Export Trade Products.—All products and services.

Export Trade Facilitation Services (as they relate to the export of Products).—Consulting, international market research, advertising, marketing, sales of goods and services, insurance, product research and design, legal assistance, transportation, trade documentation and freight forwarding, communication and processing of foreign orders, warehousing, foreign exchange, financing, and taking title to goods.

Export Markets.—The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation.—EXILL may:

1. Enter into agreements with its Members to act as an Export Intermediary. These agreements may include any of the following provisions:

a. Each Member independently will provide EXILL with an estimate of what quantities of Products it will make available for export through EXILL;

b. EXILL will agree to purchase for resale in Export Markets Products from its Members and when necessary to complete product-line requests, from non-member Suppliers; and

c. EXILL will market and sell the Products, either directly or through other Export Intermediaries, to purchasers in Export Markets, at such prices and on such terms as EXILL shall determine.

2. Determine the price of Products that EXILL will pay to Members and non-member Suppliers.

3. Enter into exclusive or nonexclusive agreements with other Export Intermediaries for the sale of Products in Export Markets.

4. Participate in meetings with one or more Members to deliver and discuss, or otherwise exchange:

a. Information that is already generally available to a particular trade or the public;

b. Information about sales and marketing efforts for Export Markets; activities and opportunities for sales of Products in Export Markets; selling strategies for Export Markets; pricing in Export Markets; projected demand in Export Markets; customary terms of sale in Export Markets; the types and prices of Products available from competitors for sale in particular Export Markets; and customer specifications for Products in Export Markets;

c. Information about the export prices, quality, quantity, source, and delivery dates of Products available from Members for export;

d. Information about terms and conditions of contracts for sales in Export Markets to be considered and/or bid by EXILL and its Members;

e. Information about joint bidding, selling, or servicing arrangements for Export Markets and allocation of sales resulting from such arrangements among Members;

f. Information about expenses specific to exporting to and within Export Markets, including, without limitation, transportation, intermodal shipments, insurance, inland freight to port, port storage, commission, export sales, documentation, financing, customs, duties, and taxes;

g. Information about U.S. and foreign legislation and regulations affecting sales in Export Markets; and

h. Information about EXILL's or its Members' export operations, including without limitation sales and distribution networks established by EXILL or its Members in Export Markets, and prior export sales by Members (including export price information).

5. Enter into agreements with customers wherein EXILL may agree in each case to sell Products in Export Markets only to such customers, and/or such customers may agree not to purchase Products from any competitor of EXILL.

6. Engage with Members in joint bidding, selling, and servicing arrangements for Export Markets and in allocation of sales resulting from such arrangements among Members.

Definitions

1. "Members" means those members of the Illinois World Trade Center Association, within the meaning of the by-laws of Illinois World Trade Center Association, that elect to be members of EXILL within the meaning of 15 CFR 325.2(1).

2. "Export Intermediary" means, as to EXILL, a person who acts as a sales representative, sales or marketing agent, or general agent for its Members and/or other Suppliers in connection with promoting, arranging for, and carrying out agreements relating to the sale of Products in Export Markets.

3. "Supplier" means, as to EXILL, a person who produces, provides, or sells a Product.

Date: February 7, 1989.

Thomas H. Stillman,

Director, Office of Export Trading Company Affairs.

[FR Doc. 89-3348 Filed 2-10-89; 8:45 am]

BILLING CODE 3510-DR-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council's Salmon Technical Team (STT), will meet on February 15–21, 1989. The STT will convene at 9 a.m., on February 15 at the Council's Office (address below), to draft the 1989 stock status report for presentation to the Pacific Council in March. The meeting is open to the public. Oral statements pertaining to salmon abundance projections also will be accepted at appropriate times during the meeting.

For further information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, Metro Center, Suite 420, 2000 SW. First Avenue, Portland, OR 97201; telephone: (503) 221–6352.

Date: February 6, 1989.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 89-3224 Filed 2-10-89; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit; The Clearwater Marine Science Center (P414A)

On September 23, 1988, notice was published in the **Federal Register** (53 FR 37019) that an application had been filed by the Clearwater Marine Science Center, 249 Windward Passage, Clearwater, Florida 34630, to take an Atlantic bottlenose dolphin (*Tursiops truncatus*) from captive stock for public display.

Notice is hereby given that on February 8, 1989, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a Permit for the above taking, subject to certain conditions set forth therein.

Issuance of this permit is based on a finding that the proposed taking is consistent with the purposes and policy of the Marine Mammal Protection Act.

The Service has determined that the Clearwater Marine Science Center offers an acceptable program for education or conservation purposes. The Clearwater facilities are open to the public on a regularly scheduled basis and access to the facilities is not limited or restricted other than by the charging of an admission fee.

The Permit is available for review by interested persons in the following office(s):

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1335 East West Highway, Room 7324, Silver Spring, Maryland 20910;

Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida, 33702;

Director, Northeast Region, National Marine Fisheries Service, NOAA, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930;

Director, Southwest Region, National Marine Fisheries Service, NOAA, 300 South Ferry Street, Terminal Island, California 90731; and

Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way NE., BIN C15700, Seattle, Washington, 98115.

Nancy Foster,

Director, Office of Protected Resources and Habitat Programs, National Marine Fisheries Service.

Date: February 8, 1989.

[FR Doc. 89-3323 Filed 2-10-89; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Permit to Sea Life Park, Inc. (P10E)

On August 1, 1988, notice was published in the **Federal Register** (53 FR 28902) that an application had been filed by Sea Life Park, Inc., Makapuu Point, Waimanalo, Honolulu, Hawaii 96795 to take four (4) rough toothed dolphins (*Steno bredonensis*) for public display. Notice is hereby given that on January 31, 1989 and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

Issuance of this permit is based on a finding that the proposed taking is consistent with the purposes and policy of the Marine Mammal Protection Act. The Service has determined that Sea Life Park offers an acceptable program for education or conservation purposes. The Sea Life Park facilities are open to the public on a regularly scheduled basis and access to the facilities is not limited or restricted other than by the charging of an admission fee.

The Permit is available for review by interested persons in the following Offices:

Office of Protected Resources and Habitat Programs, National Marine Fisheries Service, 1825 Connecticut Ave., NW, Washington, DC; and

Director, Southwest Region, National Marine Fisheries Service, 301 South Ferry Str., Terminal Island, California 90731.

Date: February 7, 1989.

Nancy Foster,

Director, Office of Protected and Habitat Programs, National Marine Fisheries Service.

[FR Doc. 89-3324 Filed 2-10-89; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Japanese Scientific and Technical Resources Directory (1989)

AGENCY: National Technical Information Service, Department of Commerce.

ACTION: Request for information.

SUMMARY: As required by the Japanese Technical Literature Act of 1986, the Secretary of Commerce is directed to compile, publish and disseminate an annual directory which lists all programs and services in the United States which collect, abstract, translate and distribute Japanese scientific and technical information. The Secretary has delegated authority for this activity to the National Technical Information Service (NTIS).

NTIS plans to update the Director of Japanese Technical Resources in the United States/1988 which it publishes to meet this requirement. Organizations omitted from the 1988 version that wish to be included in the update are invited to contact Janet Geffner at the address given below to provide her with the company name and address. NTIS will then send the organization a questionnaire asking for the directory information. Organizations that appear in the 1988 version need not respond to this notice as they will be contacted directly for changes to their entries.

DATE: In order to be included in the directory for 1989, interested parties must respond to this notice no later than March 30, 1989.

ADDRESS: Organizations that wish to be included in the directory should contact Janet Geffner, Editor, Office of International Affairs, National Technical Information Service, Room 306, Springfield, VA 22161, telephone (703) 487-4819.

Joseph F. Caponio,

Director, NTIS.

[FR Doc. 89-3310 Filed 2-10-89; 8:45 am]

BILLING CODE 3510-04-M

Travel and Tourism Administration

Travel And Tourism Advisory Board; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. (App. 1976) notice is hereby given that the Travel and Tourism Advisory Board of the U.S. Department of Commerce will meet on March 3, 1989 at 9:30 a.m. at the Hotel Inter Continental Hotel-Berlin, Salon Linke (12th Floor), Budapester Strasse 2, 1000 Berlin 30, Federal Republic of Germany.

Established March 19, 1982, the Travel and Tourism Advisory Board consists of 15 members, representing the major segments of the travel and tourism industry and state tourism interests, and includes one member of a travel labor organization, a consumer advocate, an academician and a financial expert.

Members advise the Secretary of Commerce on matters pertinent to the Department's responsibilities to accomplish the purpose of the National Tourism Policy Act (Pub. L. 97-63), and provide guidance to the Assistant Secretary for Tourism Marketing in the preparation of annual marketing plans.

Agenda items are as follows:

I. Call to Order
II. Approval of the Minutes
III. 1988 in Review
- Visa Waiver
- International Marketing Conference

IV. 1989 Priorities
V. 1990 Marketing Plan and Strategic Plan
- Review of Industry Input

VI. EC 1992
VII. Establish 1989 Meeting Calendar
VIII. Adjournment

A very limited number of seats will be available to observers from the public and the press. To assure adequate seating, individuals intending to attend should notify the Committee Control Officer in advance. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements is allowed.

Karen M. Cardran, Committee Control Officer, United States Travel and Tourism Administration, Room 1865, U.S. Department of Commerce, Washington, DC 20230 (telephone: 202-

377–0140) will respond to public requests for information about the meeting.

Charles E. Cobb, Jr.

Under Secretary for Travel and Tourism, U.S. Department of Commerce.

[FR Doc. 89–3362 Filed 2–10–89; 8:45 am]

BILLING CODE 3510–11–M

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Air Force Civic Leader Tour Questionnaire; No Form and No OMB Control Number.

Type of Request: New.

Average Burden Hours/Minutes Per Response: 10 minutes.

Frequency of Response: Before and after each tour.

Number of Respondents: 4,655.

Annual Burden Hours: 1,522.

Annual Responses: 9,310.

Needs and Uses: Base Commanders invite local community leaders (educators, clergy, businessmen, etc.) for 2–3 day orientation tours of selected bases as a means of fostering public understanding of the Air Force mission. Civil Leader Tour Questionnaires will collect data needed to tailor tours to group's level of understanding and to evaluate effectiveness of the civic leader tour program to communicate key Air Force messages.

Affected Public: Individuals or households.

Frequency: Continuing.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Dr. J. Timothy Sprehe.

Written comments and recommendations on the proposed information collection should be sent to Dr. J. Timothy Sprehe at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Ms. Pearl Rascoe-Harrison.

A copy of the information collection proposal may be obtained from, Ms. Rascoe-Harrison, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone (202) 746–0933.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

February 7, 1989.

[FR Doc. 89–3294 Filed 2–10–89; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Production Capacity Survey; DD Form 1519 Test; and No OMB Control Number.

Type of Request: New.

Average Burden Hours/Minutes Per Response: 1 hour.

Frequency of Response: Annually.

Number of Respondents: 5,500.

Annual Burden Hours: 5,500.

Annual Responses: 5,500.

Needs and Uses: This request concerns information collection requirements that will be used by the Department of the Army officials to record production capabilities and physical properties of privately owned facilities. The data obtained will be used to plan effective utilization of the plant during mobilization. The successful completion of this test will potentially result in a restructure of the existing DD Form 1519.

Affected Public: Businesses or other for-profit.

Frequency: One year test.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Dr. J. Timothy Sprehe.

Written comments and recommendations on the proposed information collection should be sent to Dr. J. Timothy Sprehe at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Ms. Pearl Rascoe-Harrison.

A copy of the information collection proposal may be obtained from, Ms. Rascoe-Harrison, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone (202) 746–0933.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

February 7, 1989.

[FR Doc. 89–3295 Filed 2–10–89; 8:45 am]

BILLING CODE 3810–01–M

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44. U.S.C. Chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: DoD FAR Supplement, Part 251, Use of Government Sources by Contractors; and OMB Control Number 0704–0252.

Type of Request: Extension.

Average Burden Hours/Minutes Per Response: .5 Hours.

Frequency of Response: On Occasion.

Number of Respondents: 3,500.

Annual Burden Hours: 5,250.

Annual Responses: 10,500.

Needs and Uses: This request concerns information collection requirements related to contractor requests for Use of Government Sources of Supply.

Affected Public: Businesses of other for-profit, Non Profit Institutions, Small Businesses.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Ms. Eyvette R. Flynn.

Written comments and recommendations on the proposed information collection should be sent to Ms. Eyvette R. Flynn at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Office: Ms. Pearl Rascoe-Harrison.

A copy of the information collection proposal may be obtained from, Ms. Rascoe-Harrison, WHS/DIOR, 1215 Jerferson Davis Highway, Suite 1204, Arlington, Virginia 22202–4302, telephone (202) 746–0933.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

February 7, 1989.

[FR Doc. 89–3296 Filed 2–10–89 8:45 am]

BILLING CODE 3810–01–M

Office of the Secretary

Defense Science Board Task Force on Technological and Operational Surprise; Closed Meeting

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Technological and Operational Surprise in the U.S.-Soviet Military Competition will meet in closed session on March 2–3, 1989 at the DIAC Building, Bolling AFB, Washington, DC.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will evaluate the potential for technological and operational surprise in the U.S.-Soviet military competition.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II (1982)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

February 7, 1989.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89–3297 Filed 2–10–89; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Strategic Force Modernization Program; Meeting

ACTION: Change in Date of Advisory Committee Meeting Notice.

SUMMARY: The meeting of the Defense Science Board Task Force on Strategic Force Modernization Program scheduled for March 2–3, 1989 as published in the **Federal Register** (Vol. 53, No. 248, Page 52213, Tuesday, December 27, 1988, FR Doc. 88–29659) will be held on March 28–29, 1989.

February 7, 1989.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 89–3293 Filed 2–10–89; 8:45 am]

BILLING CODE 3810-01-M

Special Operations Policy Advisory Group, Closed Meeting

The Special Operations Policy Advisory Group (SOPAG) will meet on 17 February 1989 in the Pentagon, Arlington, Virginia to discuss sensitive, classified topics.

The mission of the SOPAG is to advise the Office of the Secretary of Defense on key policy issues related to the developments and maintenance of effective Special Operations Forces.

In accordance with section 10(d) of P.L. 92–463, the "Federal Advisory Committee Act," and section 552b(c)(1) of Title 5, United States Code, this meeting will be closed to the public.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Department of Defense.

February 7, 1989.

[FR Doc. 89–3299 Filed 2–10–89; 8:45 am]

BILLING CODE 3810-01-M

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Los Angeles County Drainage Area (LACDA) Review Study, Los Angeles County, CA

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: This study is designed to develop a system-wide approach to identifying means for improving the capabilities of the Los Angeles County Drainage Area flood control system. During the 40 years since its construction, the ability of the system to provide a very high level of protection has diminished. This has resulted from an increase in surface runoff, loss of groundwater percolation and associated increases in contributory flow from additional storm drains.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and Draft Environmental Impact Statement can be answered by Ronald F. Lockmann, CESPL–PD–RN, P.O. Box 2711, Los Angeles, California 90053–2325, (213) 894–5414.

SUPPLEMENTARY INFORMATION:

1. Proposed Action

The tentatively selected plan for flood control in the Los Angeles County Drainage Area system, Los Angeles County, California, consists of the following: Levee armoring and raising channel walls along the Rio Hondo, the Los Angeles River (LAR) from Atlantic Boulevard to the Ocean; and Compton Creek; armoring the backside (outside) of the LAR from Atlantic Blvd. to Pacific Ocean, Rio Hondo (entire) and Compton Creek from Willowbrook to the LAR would avoid catastrophic failure of the levees if they are overtopped. The linear distance of the armoring would be about 28 miles. Accessibility to the channel would not be Impacted. Raising the channel walls would also include channel conversion to trapezoidal where necessary and extension of bridge piers where possible. environmental enhancement, habitat improvement, or mitigation will not be included in this plan.

2. Alternatives

Alternatives considered during the planning process include 2 plans with detention or spreading ground possibilities (that of deepening Tujunga and Pacoima Spreading grounds; that of using Santa Fe gravel pit as a detention basin).

3. Scoping Process

A scoping meeting will be held to obtain community input to assure that all concerns are identified and addressed in the EIS/EIR. A separate public scoping notice will be sent to the public to identify time and location of the meeting and to solicit public comment. The specific date, time and meeting location will be published in local newspapers. The Corps has initiated coordination efforts with appropriate federal, state and local agencies to resolve potential problems relating to involved biological resources communities.

4. Future Public Meetings

A public meeting will be scheduled to discuss and obtain public comment.

5. Publication of DEIS

The Draft Environmental Impact Statement is expected to be available to concerned agencies and the interested public for review and comment in mid-1989.

Date: January 19, 1989.

Tadahiko Ono,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 89–3243 Filed 2–10–89; 8:45 am]

BILLING CODE 3710-KF-M

Office of The Secretary

Per Diem, Travel And Transportation Allowance Committee

AGENCY: Department of Defense.

ACTION: Publication of changes in per diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem

Bulletin Number 146. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and possessions of the United States. Bulletin Number 146 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: Febraury 1, 1989.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Per Diem Bulletins by mail was discontinued effective June 1, 1979. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of change in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

CIVILIAN PERSONNEL PER DIEM BULLETIN NUMBER 146

TO THE HEADS OF THE EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

1. This bulletin is issued in accordance with Executive Order 12561, dated July 1, 1986, which delegates to the Secretary of Defense the authority of the President in 5 U.S. Code 5702(a) to set maximum per diem rates and actual expense reimbursement ceilings for Federal civilian personnel traveling on official business in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands, and posessions of the United States. When appropriate and in accordance with regulations issued by competent authority, lesser rates and ceilings may be prescribed.

2. The maximum per diem rates shown in the following table are continued from the preceding Bulletin Number 145 except for the cases identified by asterisks which rates are effective on the date of this Bulletin unless otherwise indicated.

3. Each Department or establishment subject to these rates shall take appropriate action to disseminate the contents of this Bulletin to the appropriate headquarters and field agencies affected thereby.

4. The maximum per diem rates referred to in this Bulletin are:

Locality	Maximum rate
*Alaska:	
Adak [1]	$25.
Anaktuvuk Pass	140.
Anchorage	125.
Atqasuk	215.
Barrow	146.
Bethel	135.
Bettles	110.
Cold Bay	125.
Coldfoot	122.
College	122.
Cordova	143.
Deadhorse	Deleted.
Dilliingham	114.
Dutch Harbor-Unalaska	127.
Eielson AFB	122.
Elmendorf	125.
Fairbanks	122.
Ft. Richardson	125.
Ft. Wainwright	122.
Homer	115.
Juneau	117.
Katmai National Park	148.
Kenai	119.
Ketchikan	119.
King Salmon [3]	134.
Kodiak	118.
Kotzebue [3]	143.
Kuparuk Oilfield	127.
Murphy Dome [3]	122.
Noatak	143.
Nome	129.
Noorvik	143.
Petersburg	119.
Point Hope	160.
Point Lay	179.
Prudhoe Bay	Deleted.
St. Paul Island	115.
Sand Point	103.
Seward	109.
Shemya AFB [3]	30.
Shungnak	143.
Sitka-Mt. Edgecombe	119.
Skagway	119.
Spruce Cape	118.
St. Mary's	100.
Tanana	129.
Tok	Deleted.
Umiat	160.
Unakakleet	105.
Valdez	147.
Wainwright	165.
Walker Lake	136.
Wrangell	119.
Yakutat	110.
All other localities [3,4]	94.
American Samoa	81.
Guam MI.I	122.
Hawaii:	
Hawaii, island of:	
Hilo	70.
Other	91.
Kauai, island of:	
12/20-3/31	127.
4/1-12/19	95.
Oahu, island of	116.
All other islands	91.
*Johnston Atoll [2]	35.
Midway Islands [1]	13.
*Northern Mariana Islands:	
Rota	76.
Saipan	115.
Tinian	68.
All other islands	20.
Puerto Rico:	
Bayamon:	
12/16-5/15	163.
5/16-12/15	133.
Carolina:	
12/16-5/15	163.
5/16-12/15	133.
Fajardo (including Luquillo):	
12/16-5/15	163.
5/16-12/15	133.
Ft. Buchanan (including GSA Service Center, Guaynabo):	
12/16-5/15	163.
5/16-12/15	133.
Roosevelt Roads:	
12/16-5/15	163.
5/16-12/15	133.
Sabana Seca:	
12/16-5/15	163.
5/16-12/15	163.
San Juan (including San Juan Coast Guard units):	
12/16-5/15	163.
5/16-12/15	133.
All other localities	121.
Virgin Islands of U.S.:	
12/1-4/30	180.
5/1-11/30	144.
Wake Island [2]	20.
All other localities	20.

[1] Commerical facilities are not available. The per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler. For Adak, Alaska: on any day when Government quarters are not used and quarters are obtained at a construction camp, a daily travel per diem allowance of $69 is prescribed to cover the costs of lodging, meals and incidental expenses.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

[3] On any day when US Government or contractor quarters and US Government or contractor messing facilities are used, a per diem rate of $13 is prescribed to cover meals and incidental expenses at Shemya AFB and the following Air Force Stations: Cape Lisburne, Cape Newenham, Cape Roomanzof, Clear, Cold Bay, Fort yukon, Galena, Indian Mountain, King Salmon, Kotzebue, Murphy Dome, Sparrevohn, Tatalina and Tin City. This rate will be increased by the amount paid for US Government or contractor quarters and by $4 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

[4] On any day when US Government or contractor quarters and US Government or contractor messing facilities are used, a per diem rate of $34 is prescribed to cover meals and incidental expenses at Amchitka Island, Alaska. This rate will be increased by the amount paid for US Government or contractor quarters and by $10 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

February 7, 1989.

[FR Doc. 89-3300 Filed 2-10-89; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB)

Date of Meeting: 6–7 March 1989
Time of Meeting: 0800–1600 hours, 6 March; 0830–1500 hours, 7 March
Place: Adelphi, Maryland
Agenda: The Army Science Board panel for the Effectiveness Review of the Harry Diamond Laboratories will visit the lab for the purpose of gathering data for the conduct of the effectiveness review of that facility. Briefings will be presented by each laboratory covering its work program. The meeting is closed to the public. The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. Contact the Army Science Board Administrative Officer, Sally Warner, for further information at (202) 695–3039 or 695–7046.

Sally A. Warner,
Administrative Officer, Army Science Board.
[FR Doc. 89–3304 Filed 2–10–89; 8:45 am]
BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Agency Information Collection Activities Order OMB Review

AGENCY: Department of Education.
ACTION: Notice of availability of data acquisition activities approved prior to February 15, 1989.

SUMMARY: The Secretary publishes this notice to advise interested persons that they may obtain information regarding a list of approved education-related data acquisition activities that Federal agencies will use to collect data during school year 1989–90. The list includes all data acquisition activities approved before February 15, 1989.

DATE: The listing of approved data acquisition activities will be available February 15, 1989.

FOR FURTHER INFORMATION CONTACT: For information about the list or copies of the list, contact Mrs. Margaret B. Webster, U.S. Department of Education, Information Management and Compliance Division, 400 Maryland Avenue SW., Room 5624, ROB–3, Washington, DC 20202. Telephone: (202) 732–3915.

SUPPLEMENTARY INFORMATION: Under section 400A of the General Education Provisions Act, the Secretary of Education is responsible for reviewing and coordinating the collection of information and data acquisition activities of Federal agencies—

(a) Whenever the respondents are primarily educational agencies or institutions; or

(b) Whenever the purpose of the activities is to request information need for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implemented of Federal education programs.

Under section 400A the Secretary also informs the public of data acquisition activities that were approved by February 15, 1989. These data acquisition activities are considered information collection requests under the Paperwork Reduction Act of 1980. Under that Act and Office of Management and Budget (OMB) implementing regulations, proposed information collection requests must be published in the **Federal Register** on or before submission to OMB for final approval. Thus, the list announced by this notice includes each data acquisition activity for which the following requirements have been met prior to February 15, 1989: approval by the Secretary for use in the 1989–90 school year; publication in the **Federal Register** as a proposed information collection request; and approval by OMB.

Interested persons may obtain a copy of the list of approved information collection requests, or information regarding that list from Mrs. Margaret B. Webster at the address and telephone number listed at the beginning of this notice.

Dated: February 8, 1989.

Patrick Pizzella,
Deputy Under Secretary for Management.
[FR Doc. 89–3351 Filed 2–10–89; 8:45 am]
BILLING CODE 4000–01–M

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.
ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before March 15, 1989.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Jim Houser, Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue SW., Room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Margaret B. Webster (202) 732–3915.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purposes of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following:

(1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: February 8, 1989.

Carlos U. Rice,
Director, Office of Information Resources Management.

Office of Postsecondary Education

Type of Review: REINSTATEMENT.
Title: Performance Report for Training Program for Special Programs Staff and Leadership Personnel.
Frequency: Annually.
Affected Public: Non-profit institutions.
Reporting Burden:
Responses: 12
Burden Hours: 36
Recordkeeping:
Recordkeepers: 12
Burden Hours: 12
Abstract: Non-profit institutions which have participated in a training program for Special Programs Staff and

Leadership Personnel are to submit these reports to the Department. The Department uses the information to assess the accomplishments of project goals and objectives, and to aid in effective program management.

[FR Doc. 89-3349 Filed 2-10-89; 8:45 am]
BILLING CODE 4000-01-M

[CFDA No.: 84.073C]

Invitation for Applications for New State Facilitator Awards for the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands and Palau Under the National Diffusion Network Program for Fiscal Year 1989

ACTION: Extension of Deadline Date for Transmittal of Applications.

On December 5, 1988, the Secretary published in the **Federal Register** (53 FR 49088) a notice inviting applications for new State Facilitator awards for the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands and Palau. Detailed information was included in that notice.

The purpose of this notice is to extend the closing date for transmittal of applications so that potential applicants may have additional time to complete their applications.

The Secretary extends the deadline date for transmittal of applications from February 3, 1989 to March 15, 1989.

For Applications or Information Contact: Ms. Lois N. Weinberg, U.S. Department of Education, 555 New Jersey Avenue NW., Room 510, Washington, DC 20208-5645. Telephone: (202) 357-6147.

Program Authority: 20 U.S.C. 2962.

Dated: February 8, 1989.

Patricia Hines,

Assistant Secretary.

[FR Doc. 89-3348 Filed 2-10-89; 8:45 am]
BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Financial Assistance Award Intent to Award Grant to James A. Harris

AGENCY: U.S. Department of Energy.

ACTION: Notice of Unsolicited Financial Assistance Award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.14, it is making a financial assistance award based on an unsolicited application under Grand Number DE-FG01-89CE15407 to Dr. James A. Harris to develop and test his invention, "Extended Range Tankless Water Heater."

Scope: This Grant will aid in providing funding for a comprehensive well-integrated plan as follows: (1) Fabrication of the ten production prototype tankless heaters incorporating the new features of the design, variable flame matched with variable heat transfer surface and microprocessor control system; (2) operational testing to evaluate, modify and finalize the design will be performed on an engineering prototype prior to the production prototype design; and (3) certification by the American Gas Association (AGA) which will permit sales and manufacturing to begin.

The purpose of this project will be the operation of prototypes of an Extended Range Tankless Water Heater, a new design that will provide hot water over a wide range of flow rates without the need for a storage tank. The anticipated objective is to eliminate the storage tank which reduces hot water heating energy requirements, for an average family of four, by an estimated 19 percent.

Eligibility: Based on receipt of an unsolicited application, eligibility of this award is being limited to Dr. James A. Harris, A Registered Professional Engineer and Assistant Professor of Mechanical Engineering at Wichita State University. Dr. Harris is the inventor of the Extended Range Tankless Water Heater and he has applied for a patent on the design. Dr. Harris has made arrangements for laboratory space, fabrication, testing services, and computer availability for microprocessor software development. It has been determined that this project has high technical merit, representing an innovative and novel idea which has a strong possibility of allowing for future reductions in the nations energy consumption.

The term of this grant shall be two years from the effective date of award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Procurement Operations, Attn: Lisa Tillman, MA-453.2, 100 Independence Avenue SW., Washington, DC 20585.

Scott Sheffield,

Acting Director, Contract Operations Division "B", Office of Procurement Operations.

[FR Doc. 89-3358 Filed 2-10-89; 8:45 am]
BILLING CODE 6450-01-M

Financial Assistance Award; Intent To Award Grant to Massachusetts Institute of Technology (MIT)

AGENCY: U.S. Department of Energy.

ACTION: Acceptance of an unsolicited application for grant award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.14, it intends to award a grant based on an unsolicited application submitted by the Massachusetts Institute of Technology. The application is entitled "Kinetics of Sufation of Calcium Oxides".

Scope: The research activity addressed is this effort proposes to improve understanding of the role of limestones in reducing the emission of sulfur and sulfur oxide from pulverized coal combustion. The results will assist in identifying characteristics and limestone properties that are important and necessary for effective use as the sulfur capture additive in coal combustion.

In the past there have been many limitations to the work which was carried out on the reaction of SO_2 with lime. Most notable of these has been an inability to separate the competing effects of intrinsic chemical reactivity of the stone from diffusive transport effects. The subject proposal attacks this issue directly, and is therefore considered unique. In addition, the proposal addresses the transition of an initially amorphus product layer to a crystallized form having a greatly reduced ionic diffusions coefficient. The use of electrodynamic balance for TGA studies of reacting particles is also a highly unique feature of this work.

The results of this effort should encourage that section of the public which is involved in the use of coal to generate power without deleteriously impacting the environment. The term of the grant will be for an 18 month period at an estimated value of $100,000.00.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Pittsburgh Energy Technology Center, Acquisition and Assistance Division, P.O. Box 10940, MS 921-165, Pittsburgh, PA 15236, Attn: Cynthia Y. Mitchell, Telephone (412) 892-4862.

Gregory J. Kawalkin,

Acting Director, Acquisition and Assistance Division, Pittsburgh Energy Technology Center.

[FR Doc. 89-3353 Filed 2-10-89; 8:45 am]
BILLING CODE 6450-01-M

[Grant No. DE-FG07-89ID12850]

Grant and Cooperative Agreement Awards: National Geothermal Association

AGENCY: Department of Energy.

ACTION: Intent to negotiate a grant—National Geothermal Association.

SUMMARY: The proposed assistance is to conduct Reverse Trade Missions to Acquaint International Representatives with 1) Small U.S. Geothermal Drilling and Completion Technology, and 2) Small U.S. Geothermal Power Plant Technology. The awarding Office (ID), intends to negotiate a grant on a noncompetitive basis with the National Geothermal Association (NGA)—P.O. Box 1350, Davis, CA 95617.

The support of the National Geothermal Association in these tasks will promote international sales of U.S. geothermal goods and services, continue to keep the U.S. as the focal point for the export of U.S. goods and services to the international market, and help strengthen the U.S. leadership in geothermal development. The proposed support will meet the requirements of the 1983 Renewable Energy Industry Development Act. The tasks to be accomplished are 1) developing a list of international attendees and selecting of appropriate attendees, 2) arranging transportation, tours and accommodations, 3) meeting with industry representatives and developing programs of two meeting days, two days of field tours, and a wrap-up day for each of the two trade missions, 4) conducting the trade mission, and 5) issuing a report about each of the trade missions. The anticipated amount of DOE support is $40,819.00. NGA is obtaining support from other parties also to fund the total anticipated project cost of $73,819.

A determination of Noncompetitive Financial Assistance (DNCFA) has been approved in accordance with DOE financial Assistance Rules 10 CFR Part 600.7(b)(2)(i)(B) and (D); (B) the activity(ies) is (are) being or would be conducted by the applicant using its own resources or those donated or provided by third parties; however, DOE support of the activity would enhance the public benefits to be derived and DOE knows of no other entity which is conducting or is planning to conduct such an activity(ies); (D) the applicant has exclusive domestic capability to perform the activity successfully based upon unique equipment, proprietary data, technical expertise, or other such unique qualifications.

Public response may be addressed to the contract specialist stated below.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Idaho Operations Office, 785 DOE Place, Idaho Falls, Idaho 83402, T. Wade Hillebrant, (208) 526–0547.

H. Brent Clark,

Director, Contracts Management Division.

[FR Doc. 89–3357 Filed 2–10–89; 8:45 am]

BILLING CODE 6450–01–M

Intent To Award Grant to the Welding Consultants, Inc.

AGENCY: U.S. Department of Energy.

ACTION: Notice of Unsolicited Financial Assistance Award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.14, it is making a financial assistance award based on an unsolicited application under Grant Number DE–FG01–89CE15412 to Welding Consultants, Inc. (WCI) to assist in the development of "the Meta-Lax Method of Stress Reduction in Welds."

Scope: This Grant will aid in providing funding for a comprehensive well-integrated plan to compare the effectiveness of the Meta-Lax method of treating welds as compared with the standard method of heat treating. To accomplish this, a suitable laboratory set up will subject these metals to the usual welding techniques, using both the Meta-Lax and heat-treating methods of stress relief. Each weld will be subjected to a series of tests to discover differences in the weld or its metallography.

The purpose of this project is to show that the Meta-Lax process has the same ability as heat treating to relieve stresses in welds in various metals. "The anticipated objective is to prove by laboratory tests that the Meta-Lax process is at least the equal of heat treating processes with the resulting savings of approximately 65% of the energy now being expended."

Eligibility: Based on receipt of an unsolicited application, eligibility of this award is being limited to WCI, "a highly qualified organization with extensive facilities for conducting the work proposed by its engineer and the inventor." The inventor, Mr. August Hebel, a graduate engineer, holds the patents on this technology. Mr. Hebel is President of a small highly specialized machine shop, operated under the name of Bonal Technologies, Inc. WCI plans to solicit the assistance of Mr. Hebel for his expertise in applying the Meta-Lax method and for the use of his company's equipment. It has been determined that this project has high technical merit, representing an innovative and novel idea which has a strong possibility of allowing for future reductions in the nations energy consumption.

The term of this grant shall be two years from the effective date of award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Procurement Operations, Attn: Lisa Tillman, MA–453.2, 1000 Independence Avenue, SW., Washington, DC 20585.

Scott Sheffield,

Acting Director, Contract Operations Division "B," Office of Procurement Operations.

[FR Doc. 89–3359 Filed 2–10–89; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

Proposed Consent Order With Tri-Service Drilling Co.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of proposed consent order and opportunity for public comment.

SUMMARY: The Economic Regulatory Administration (ERA) announces a proposed Consent Order between the Department of Energy (DOE) and Tri-Service Drilling Co. and M. A. Hanna Company, successor by merger of Tri-Service Drilling Co. as of December 31, 1987 (herein collectively Tri-Service). The agreement proposes to resolve matters relating to Tri-Service's compliance with the federal petroleum price regulations for the period September 1, 1973 through December 31, 1976. If this Consent Order is made final, M. A. Hanna Company shall pay to the DOE a total of $862,500 within thirty days of the effective date of the Consent Order. DOE's Office of Hearings and Appeals (OHA) will be petitioned to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in which proceedings any persons who claim to have suffered injury from Tri-Service's alleged overcharges would have the opportunity to submit claims for payment.

Pursuant to 10 CFR 205.199J, ERA will receive written comments on the proposed Consent Order for thirty (30) days following publication of this Notice. ERA will consider all comments received from the public in determining whether to accept the settlement and issue a final Order, renegotiate the agreement and issue a modified agreement as a final Order, or reject the settlement. DOE's final decision will be published in the **Federal Register**, along with an analysis of and response to the significant written comments, as well as

any other considerations that were relevant to the final decision.

FOR FURTHER INFORMATION CONTACT: Dorothy Hamid, Economic Regulatory Administration, Department of Energy, RG–32, Room 3H–017, 1000 Independence Avenue, SW., Washington, DC 20585. Copies of the proposed Consent Order may be obtained free of charge by writing or by calling this office at (202) 586–1699.

SUPPLEMENTARY INFORMATION: Tri-Service was a "producer" as defined in the federal petroleum price regulations. During the period covered by this proposed Order (September 1, 1973 through December 31, 1976), Tri-Service engaged in the production and sale of crude oil.

ERA conducted an audit of Tri-Service's compliance for the period beginning in September 1973 through December 1976. During this audit, ERA identified certain pricing in sales of crude oil in which it believed that Tri-Service had failed to comply with applicable regulatory requirements.

On September 3, 1985, ERA issued to Tri-Service an Amended Proposed Remedial Order (APRO) which alleged that during the period November 16, 1973 through December 31, 1976 (the audit period), Tri-Service violated the price regulations applicable to first sales of domestic crude oil set forth at 10 CFR 212.73 and 212.74.

On November 21, 1988, the Office of Hearings and Appeals (OHA) issued a decision which, with a modification to the APRO's remedial disposition provision, adopted the APRO as a remedial order. *Tri-Service Drilling Company*, 18 DOE ¶ 83,003 (1988). In that decision, OHA ordered Tri-Service to refund overcharges of approximately $395,000, plus interest currently amounting to approximately $980,000. Tri-Service filed a notice of appeal with OHA on December 21, 1988, indicating its intention to contest the remedial order before the Federal Energy Regulatory Commission.

ERA has preliminarily agreed to the settlement amount after assessing the litigation risks associated with the asserted legal and factual issues underlying the audit, and appropriate settlement compromises related to those issues. In evaluating the total settlement amount for Tri-Service's alleged regulatory violations, ERA took into consideration, in addition to the analysis of litigation risks, such factors as the number and complexity of the legal and factual issues, and the time and expense required for the government to litigate every issue fully in order to obtain any recovery. ERA concludes that the resolution of these matters for $862,500 is an appropriate settlement and in the public interest.

Under the terms of the proposed Consent Order, M. A. Hanna Company, successor by merger of Tri-Service Drilling Co. as of December 31, 1987, will pay to DOE $862,500 within thirty (30) days of the effective date of the Consent Order. If the Consent Order is made final, ERA will petition OHA to implement Special Refund Procedures under the provisions of Subpart V of the regulations. In the proceeding, OHA will develop procedures for the receipt and evaluation of applications for refund in order to distribute the settlement monies in accordance with DOE's Modified Statement of Restitutionary Policy as set forth at 51 FR 27899 (August 4, 1986). To ensure that OHA has sufficient information to evaluate the claims, the proposed Consent Order requires that Tri-Service provide customer identification and purchase volume information to OHA upon request.

Submission of Written Comments

The proposed Consent Order cannot be made effective until the conclusion of the public review process, of which this Notice is a part.

Interested parties are invited to submit written comments concerning this proposed Consent Order to: Tri-Service Consent Order Comments, RG–30, Economic Regulatory Administration, 1000 Independence Avenue, SW., Washington, DC 20585. Any information or data considered confidential by the person submitting it must be identified as such in accordance with the provisions of 10 CFR 205.9(f).

All comments received by the thirtieth day following publication of this Notice in the **Federal Register** will be considered before determining whether to adopt the proposed Consent Order as a final Order. Any modifications of the proposed Consent Order which significantly alter its terms or impact will be published for additional comment. If, after considering the comments it has received, ERA determines to issue the proposed Consent Order as a final Order, the proposed Order will be made final and effective by publication of a Notice in the **Federal Register.**

Issued in Washington, DC, on February 6, 1989.

Milton C. Lorenz,

Chief Counsel for Enforcement Litigation, Economic Regulatory Administration.

[FR Doc. 89–3355 Filed 2–10–89; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 89–01–NG]

Tenngasco Corp.; Application to Export Natural Gas to Canada and Mexico

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application for blanket authorization to export natural gas.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt on January 18, 1989, of an application filed by Tenngasco Corporation (Tenngasco), requesting blanket authorization to export a total of up to 100 Bcf of natural gas from the United States to Canada and Mexico for short-term and spot market sales over a two-year period beginning on the date of first delivery.

The application is filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–111. Protests, motions to intervene, notices of intervention and written comments are invited.

DATE: Protests, motions to intervene or notices of intervention, as applicable, request for additional procedures and written comments are to be filed no later than March 15, 1989.

FOR FURTHER INFORMATION CONTACT:
Frank Duchaine, Natural Gas Division, Economic Regulatory Administration, U.S. Department of Energy, Forrestal Building, Room 3H–087, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–8233.
Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E–042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION: Tenngasco is a corporation organized and existing under the laws of the state of Delaware. Tenngasco proposes to export U.S. gas, either on its own behalf or on behalf of others, for short-term and spot market sales to Canadian and Mexican purchasers, including commercial and industrial end users, distribution companies, and pipelines. Applicant may also secure transportation arrangements for the gas on behalf of others.

The terms of each arrangement would be negotiated in response to prevailing U.S.-Canadian-Mexican gas market conditions. Tenngasco intends to use existing transmission systems and thus would not require the construction of new facilities in order to export the

natural gas. Tenngasco also intends to comply with the ERA's quarterly reporting requirements.

The decision on whether this export of natural gas is in the public interest will be based upon the domestic need for the gas and other matters deemed to be appropriate. Tenngasco submits that its proposed natural gas exports raise no issue of domestic need and are therefore fully consistent with the public interest as required by section 3 of the Natural Gas Act. The applicant further asserts that this proposed export is also consistent with DOE's international gas trade policy. Parties opposing the arrangement bear the burden of overcoming this assertion.

All parties should be aware that the approval of this export may permit the export of the gas at any international border point where existing transmission facilities are located.

On August 9, 1988, the DOE published in the **Federal Register** (53 FR 29934) a notice of proposed amendments to its guidelines for compliance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, effective on an interim basis upon publication. In that notice, the DOE proposes to amend the agency's NEPA guidelines to add to its list of categorical exclusions the approval or disapproval of an import-export authorization for natural gas in cases not involving new construction. Application of the categorical exclusion in any particular case raises a rebuttable presumption that the ERA's action is not a major Federal action under NEPA. Unless the ERA receives comments indicating the presumption does not or should not apply in this case, no further NEPA review will be conducted by the DOE.

Public Comment Procedures

In response to this notice, any person may file a protest motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis of any decision on the applicant must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590.

Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comment should be filed with the Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration, Room 3F-056, RG-23, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. They must be filed no later than 4:30 p.m. e.s.t., March 15, 1989.

A decisional record on the application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial questions of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

In an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Tenngasco's application is available for inspection and copying in the Natural Gas Division Docket Room, 3F-056 at the above address. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 3, 1989.

Constance L. Buckley,

Acting Director, Office of Fuel Programs, Economic Regulatory Administration.

[FR Doc. 89-3356 Filed 2-10-89; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA C&E 89-06; Certification Notice—31]

Filing a Certification of Compliance; Coal Capability of New Electric Powerplants

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978, as amended ("FUA" or "the Act") (42 U.S.C. 8301 *et seq*), provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source (section 201(a), 42 U.S.C. 8311 (a), Supp. V. 1987). In order to meet the requirement of coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to section 201(d), to the Secretary of Energy prior to construction, or prior to operation as to base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the **Federal Register** a notice reciting that the certification has been filed. One owner and operator of a proposed new electric base load powerplant has filed a self certification in accordance with section 201(d).

Further information is provided in the SUPPLEMENTARY INFORMATION section below.

SUPPLEMENTARY INFORMATION:

The following company has filed a self certification:

Name	Date received	Type of facility	Megawatt capacity	Location
Coastal Power Production Co., Fulton Cogeneration Associates, Fairfax, VA	02-01-89	Combined Cycle Cogen.	47	Fulton, NY.

Amendments to the FUA on May 21, 1987, (Pub. L. 100–42) altered the general prohibitions to include only new electric base load powerplants and to provide for the self certification procedure.

Issued in Washington, DC on February 3, 1989.

Constance L. Buckley,

Acting Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 89–3354 Filed 2–10–89; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER89–199–000 et al.]

Tampa Electric Co. at al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

February 7, 1989.

Take notice that the following fillings have been made with the Commission:

1. Tampa Electric Company

[Docket No. ER89–199–000]

Take notice that on January 27, 1989, Tampa Electric Company (Tampa Electric) tendered for filing a Letter of Commitment providing for the sale by Tampa Electric to the City of Lakeland, Florida (Lakeland) of coal-fired energy, on an as-available basis. Tampa Electric states that the Letter of Commitment is submitted as a supplement to Service Schedule J (negotiated interchange service) under the existing agreement for interchange service between Tampa Electric and Lakeland, designated as Tampa Electric's Rate Schedule FERC No. 21.

Tampa Electric proposes in effective date of January 17, 1989, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served on Lakeland and the Florida Public Service Commission.

Comment date: February 21, 1989, in accordance with Standard Paragraph E at the end of this document.

2. Northern Indiana Public Service Company

[Docket No. ER89–197–000]

Take notice that on January 27, 1989, Northern Indiana Public Service Comapny (Northern Indiana) tendered for filing an initial rate schedule, a service schedule and an amendment to an interconnection agreement with the Wabash Valley Power Association, Inc. (Wabash Valley) provided for: Service Schedule K–1—Reserve Capacity and Energy Northern Indiana to Wabash Valley

The proposed effective date to the service schedule shall be January 1, 1989, if waiver of the notice requirements is granted by the Commission.

Northern Indiana respectfully requests waiver of any Commission requirements not addressed by the filling as it is being made pursuant to a mutual agreement of the parties.

Copies of this filing have been served upon Wabash Valley and the Indiana Utility Regulatory Commission.

Comment date: February 21, 1989, in accordance with Standard Paragraph E at the end of this notice.

3. Puget Sound Power & Light Company

Docket No. ER89–196–000]

Take notice that on January 25, 1989 Puget Sound Power & Light Company (Puget Sound) tendered for filing Appendix 1 to the Residential Purchase and Sale Agreement between Puget Sound and Bonneville Power Administration.

Comment date: February 21, 1989, in accordance with Standard Paragraph E at the end of this notice.

4. Appalachian Power Company

[Docket No. ER89–182–000]

Take notice that Appalachian Power Company (APCo), on January 17, 1989, tendered for filing with the Commission a Notice of Cancellation for Rate Schedule FPC No. 81 and Supplement No. 17 thereto, which became effective on January 15, 1987, pursuant to a Commission Order dated October 30, 198, in Docket No. ER87–106–000.

APCo states that Chesapeake Light and Water Company (Chesapeake), the only customer that was served by APCo under Rate Schedule FPC No. 81 and Supplement No. 17, ceased being a public utility on December 28, 1988, and APCo began providing retail electric service to customers that had previously been served by Chesapeake. According to APCo, Chesapeake simultaneously ceased purchasing power at wholesale from APCo.

Since no service is to be provided by APCo under Schedule FPC No. 81 and Supplement No. 17 thereto, APCo requests, that its Notice of Cancellation be made effective at any time after December 28, 1988.

APCo further states that copies of its filing have been served upon the Public Service Commission of West Virginia and Chesapeake Light and Water Company.

Comment date: February 21, 1989, in accordance with Standard Paragraph E at the end of this notice.

5. Upper Peninsula Power Company

[Docket No. ER89–195–000]

Take notice that on January 24, 1989, Upper Peninsula Power Company (Upper Peninsula) trendered for filing a Letter of Assignment from Wisconsin Electric Power Company to Edison Sault Electric Company of the Contract For Wholesale Power to be supplied by Upper Peninsula.

Comment date: February 21, 1989, in accordance with Standard Paragraph E at the end of this notice.

6. Hill Petroleum Company

[Docket No. QF89–129–000]

On January 23, 1989, Hill Petroleum Company (Applicant), c/o Ronald W. Lewis, Senior Vice President, P.O. Box 5038, Houston, Texas 77262–5038 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Houston, Texas. The facility will consist of two combustion turbine generators and two heat recovery steam generators equipped with duct burners. Thermal energy recovered from the facility will be used for industrial processes in a petroleum refinery plant. The maximum net electric power production capacity of the facility will be 34,240 KW. The primary source of energy will be natural gas. Construction of the facility is scheduled to begin May 1989. Commercial operation of the facility is expected to commence June 1990.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

7. Grace Petroleum Company

[Docket No. QF89–75–001]

On January 30, 1989, Grace Petroleum Company (Applicant) of P.O. Box 536, Leland Avenue at the Mohawk River, Utica, New York 13503 submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The proposed topping-cycle cogeneration facility will be located at the Applicant's address. The facility will

consist of a lead and a standby steam generator, a back pressure steam turbine generator. The thermal energy recovered from the facility will be used to heat the content of petroleum storage tanks for the purposes of handling and transfer. The net electric power production capacity of the facility will be 28.1 MW. The primary source of energy will be #5 fuel oil. The installation of the facility is expected to commence on or before August 15, 1989.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-3325 Filed 2-10-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI89-261-000 et al.]

Chaparral Gas Marketing Co. et al.; Applications for Blanket Certificates with Pregranted Abandonment [1]

February 8, 1989

Take notice that each Applicant listed herein has filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for an unlimited-term blanket certificate with pregranted abandonment authorization, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 24, 1989, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

[1] This notice does not provide for consolidation for hearing the several matters covered herein.

Docket No.	Date filed	Applicant
CI89-261-000	1-26-89	Chaparral Gas Marketing Company, 2444 Louisiana, NE., Alburquerque, New Mexico 87110.
CI89-262-000	1-26-89	Sunterra Gas Gathering Company, 2444 Louisiana, NE., Albuquerque, New Mexico, 87110.
CI89-263-000	1-26-89	Gas Company of New Mexico, a Division of Public Service Company of New Mexico, 2444 Louisiana, NE., Albuquerque, New Mexico 87110.
CI89-280-000	1-31-89	Sunnybrook Transmission, Inc., 1600 Smith Street, Suite 1500, Houston, Texas 77002.

[FR Doc. 89-3263 Filed 2-10-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-168-005, et al.]

Tenngasco Corp. and Tenngasco Exchange Corp., et al. Applications For Extension of Blanket Limited-Term Certificates With Pregranted Abandonment [1]

February 8, 1989

Take notice that each Applicant listed herein has filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for amendment of its blanket limited-term certificate with pregranted abandonment previously issued by the Commission for a term expiring March 31, 1989, to extend such authorization for the term listed herein, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 24, 1989, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Applicant
CI86-186-005 [2]	1-27-89	Tenngasco Corporation and Tenngasco Exchange Corporation, P.O. Box 2511, Houston, Texas 77252.
CI87-547-003 [2]	1-23-89	Enron Gas Marketing, Inc., P.O. Box 1188, Houston, Texas 77251-1188.
CI87-811-002 [3]	1-25-89	CNG Trading Company, 625 Liberty Avenue, Pittsburgh, Pennsylvania 15222-3199.
CI87-883-002 [2]	1-27-89	Meridian Oil Trading Inc. 2919 Allen Parkway P.O. Box 4239, Houston, Texas 77210.

[2] Applicant requests extension for an unlimited term.

[3] Applicant requests extension for at least one year, through March 31, 1990, or some later date.

[FR Doc. 89-3265 Filed 2-10-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. C89-707-000, et al.]

United Gas Pipe Line Co. et al.; Natural Gas Certificate Filings

Taken notice that the following filings have been made with the Commission:

1. United Gas Pipe Line Company

[Docket No. CP89-707-000]

February 1, 1989.

Take notice that on January 26, 1989, United Gas Pipe Line Company (United), P.O. Box 1478 Houston, Texas, 77251-1478, filed in Docket No. CP89-707-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide interruptible transportation service on behalf of Texaco Gas Marketing (Texaco), a marketer of natural gas, under United's blanket certificate issued in Docket No. CP88-6-000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Pursuant to an interruptible gas transportation agreement dated May 6, 1988, as amended December 13, 1988, United proposes to transport natural gas for Texaco from various existing points of receipt located along its system to ninety-two (92) existing points of delivery located in Louisiana and Mississippi. The average day and peak day transportation quantities are both expected to equal 360,500 MMBtu and based thereon, the annual transportation volume is estimated to be 131, 582,500 MMBtu. United advises that the transportation service commenced on December 13, 1988, as reported in Docket No. ST89-1744-000, pursuant to § 284.223(a) of the Commission's Regulations.

Comment date: March 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

2. Champlain Pipeline Company

[Docket No. CP89-654-000]

February 1, 1989.

Take notice that on January 17, 1989 Champlain Pipeline Company (Champlain), 1223 Shelburne Road, Suite C-4, South Burlington, Vermont 05403 filed in Docket No. CP89-654-000 an application pursuant to §§ 153.10 and 153.11 of the Commission's Regulations and Executive Order No. 10485, as amended by Executive Order No. 12038, for a Presidential Permit to authorize the construction, operation and maintenance of facilities at the International Border between the United States and Canada near Highgate Springs, Vermont and Phillipsburg, Quebec, for the importation of natural gas from Canada into the United States, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Champlain states that it requires such facilities to transport natural gas for its shippers in the United States who have entered, or will enter into, gas purchase contracts with suppliers of natural gas located in Western Canada. Such natural gas, Champlain continues, will be transported in Canada through the system of TransCanada Pipelines Limited for delivery to Champlain at the International Border near Phillipsburg, Quebec and Highgate Springs, Vermont. Champlain further states that its shippers have, or will obtain, Economic Regulatory Administration authorization required to import natural gas from Canada pursuant to section 3 of the Natural Gas Act.

Concurrently with the filing of the above-described application for a Presidential Permit, Champlain has filed with the Commission an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, (Docket No. CP89-646-000), for authority to construct and operate natural gas pipeline facilities to enable Champlain to transport natural gas purchased by its shippers in Canada and to deliver to such shippers in the states of Vermont, New Hampshire, and Massachusetts.

Comment date: February 22, 1989, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

3. Northwest Pipeline Corporation

Docket No. CP89-736-000]

February 1, 1989.

Take notices that on January 30, 1989, Northwest Pipeline Corporation, (Northwest) 295 Chipeta Way, Salt Lake City, Utah 84108 filed in Docket No. CP89-736-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of NGC Energy Company (NGC), under its blanket authorization issued in Docket No. CP86-578-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest would perform the proposed interruptible transportation service for NGC, a producer of natural gas, pursuant to a transportation agreement dated November 8, 1988, under its Rate Schedule TI-1 (reference no. 5092D). The term of the transportation agreement is from the date of execution and shall remain in full force and effect for one day and day to day thereafter, subject to termination by either party by providing at least day's prior written notice of termination to the other party. Northwest proposes to transport on a peak day up to 20,000 MMBtu; on an average day up to 8,000 MMBtu; and on an annual basis 3,000,000 MMBtu for NGC. Northwest proposes to receive the subject gas for NGC from all River Bend unit wells currently connected to Northwest's River Bend and Love Unit gathering systems in Uintah County, Utah to the Love Unit #1 and the River Bend Units #1, #2, #3, #4 and #5 interconnections with Questar Pipeline Company in Uintah County, Utah. Northwest avers that no new facilities are required to provide the proposed service.

It is explained that the proposed service is currently being performed pursuant to the 120-day self implementing provision of § 284.223(a)(1) of the Commission's Regulations. Northwest commenced such self-implementing service on January 9, 1989, as reported in Docket No. ST89-1656-000.

Comment date: March 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

4. Florida Gas Transmission Company

[Docket No. CP89-555-000]

February 1, 1989.

Take notice that on January 13, 1989, Florida Gas Transmission Company (FGT), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP89-555-000 an application pursuant to sections 7(c) and 7(b) of the Natural Gas Act and § 284.221 of the Commission's Regulations for a blanket certificate of public convenience and necessity authorizing the transportation of natural gas on behalf of others and the pregranted abandonment of existing firm and interruptible sales entitlements for those customers electing to convert such sales entitlements to transportation services, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

FGT requests a blanket certificate under the Commission's Order Nos. 436 and 500 "open access" program authorizing FGT to self-implement firm, preferred interruptible and interruptible transportation services under FGT's proposed Rate Schedules FTS–1, PIT–1 and ITS–1, respectively. FGT states that Rate Schedules FTS–1 and ITS–1 would be generally available to any shipper desiring such services; however, Rate Schedule PIT–1 would be available only to existing sales customers having preferred interruptible Annual Volumetric Entitlements (AVE) under Priorities P1 to P9 as shown in section 9 of FGT's FERC Gas Tariff. FGT maintains that customers under its proposed Rate Schedule PIT–1 would have a higher priority level than customers taking service under its proposed Rate Schedule ITS–1; it is explained. FGT also requests herein that the Commission grant preganted abandonment authority for the sales entitlements that its sales customers may desire to convert to FGT's proposed transportation services.

FGT states that the rates for its proposed transportation services would be established in FGT's general rate filing in Docket No. RP89–50–000, which was filed concurrently with its request for blanket transportation certificate herein.[1] FGT also explains that it has concurrently filed an amendment in Docket No. CP68–179–013, which *inter alia.*, would proposes a detail allocation plan for capacity on its current system. Such allocation would be provided for both firm sales and transportation services which are being offered by FGT. FGT states that all of its concurrent filings are inextricably intertwined and as such its willingness to accept the requested blanket certificate in Docket No. CP89–555–000 is also predicated upon final Commission action in FGT's Docket Nos. RP89–50–000, CP68–179–013 and CP89–556–000. FGT, therefore, requests that the Commission consolidate all four applications into one proceeding.

FGT states that the proposed allocation of its current system is shown in Exhibit I of Docket No. CP68–179–013 which is on file and open to public inspection at the Commission. FGT anticipates that some of its customers would wish to alter the firm capacity proposed to be nominated for them by FGT. As such FGT states that it will conduct an "open season", commencing on January 13, 1989 and ending on March 15, 1989. During that period, FGT would consider all requests for firm service as being received concurrently. Prior to FGT's acceptance of its blanket certificate, FGT further explains that it would also conduct an "open season" for customers desiring either interruptible sales or transportation service. FGT states that it will provide public notice through its electronic bulletin board, and notices in the Wall Street Journal and other trade publications.

Exhibit P to FGT's Docket No. CP89–555–000 contains tariff sheets that would be applicable to the proposed transportation services herein; FGT requests that the Commission accept and approve such tariff sheets for filing effective upon FGT's acceptance of the proposed blanket certificate herein.

Comment date: February 22, in accordance with Standard Paragraph F at the end of the notice.

5. Florida Gas Transmission Company

[Docket No. CP89–556–000]

February 1, 1989.

Take notice that on January 13, 1989, Florida Gas Transmission Company (FGT), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP89–556–000 an application pursuant to section 7(c) and 7(b) of the Natural Gas Act for a blanket certificate of public convenience and necessity authorizing the resale of natural gas to on- and off-system interstate pipelines, "Hinshaw" pipelines, local distribution companies, brokers and marketers, along with the pregranted authority to abandon such sales, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

FGT requests a blanket certificate with pregranted abandonment authorization enabling FGT to sell natural gas in accordance with the provisions of an interruptible sales service under proposed Rate Schedule ISS–1. FGT states that the gas supply to be sold would be in excess of the daily volumes requirements of its existing sales customers and that the sales under Rate Schedule ISS–1 would be treated the same as any other interruptible sales or transportation service for the purpose of scheduling of capacity and the curtailment service.

FGT would propose to charge a rate for service under Rate Schedule ISS–1 within a minimum and maximum range of rates. FGT states that the maximum rate would be its one-hundred percent load factor rate based on the currently effective Rate Schedule G sales rate; FGT's minimum rate would be equal to FGT's weighted average cost of purchased gas, plus fuel, the variable cost of delivering the volumes and other applicable charges such as Gas Research Institute and the Annual Charge Adjustment surcharges. The actual rate for each service implemented under Rate Schedule ISS–1 would be a negotiated rate; it is explained. FGT proposes to file with the Commission a monthly list of rates assessed under Rate Schedule ISS–1 and proposes to establish reporting procedures under Rate Schedule ISS–1 which would be similar to those established for transportation in § 284.106 (a) and (c) of the Commission's Regulations. Further FGT proposes to retain all revenues from the sale of gas under Rate Schedule ISS–1.

FGT states that it has concurrently filed a general rate filing in Docket No. RP89–50–000, with its request for blanket sales certificate herein and has concurrently filed a request for a blanket transportation certificate pursuant to the Commission's Order Nos. 436 and 500 "open access" program in Docket No. CP89–555–000 [1] and an amendment in Docket No. CP68–179–013, which *inter alia.*, would allocate capacity on its current system. Such allocation would be provided for both sales and transportation services which are being offered to FGT's existing customers. FGT states that all of its concurrent filings are inextricably intertwined and as such its willingness to accept the requested blanket certificate in Docket No. CP89–555–000 is also predicated upon final Commission action in FGT Docket Nos. RP89–50–000, CP68–179–013 and CP89–556–000. FGT, therefore, requests that the Commission consolidate all four applications into one proceeding. Prior to FGT's acceptance of its blanket certificates in Docket Nos. CP89–555–000 and CP89–556–000, FGT further explains that it would also conduct an "open season" for customers desiring either interruptible sales or transportation services. FGT states that it would provide public notice of the date of commencement of such "open season" in which all requests will be deemed received concurrently for the purposes of scheduling and curtailment of interruptible capacity. Such public notice would be through its electronic

[1] FGT also concurrently filed an application in Docket No. CP89–556–000 requesting authorization to self-implement sales to any on- and off-system interstate pipelines, "Hinshaw" pipelines, local distribution companies, brokers and marketers. The rates for these proposed sales are also contained in FGT's Docket No. RP89–50–000.

[1] FGT states that whenever it would discount the non-gas component of Rate Schedule ISS–1 that it would also offer to similarly discount its transportation rate under the proposed Rate Schedule ITS–1 which is proposed in Docket No. CP89–555–000.

bulletin board, and through notices in the Wall Street Journal and other trade publications.

Comment date: February 22, 1989, in accordance with Standard Paragraph F at the end of this notice.

6. CNG Transmission Corporation

[Docket No. CP89-638-000]

February 1, 1989.

Take notice that on January 17, 1989, CNG Transmission Corporation (CNG), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP89-638-000 an application pursuant to section 7(c) of the Natural Gas Act, and the Commission's order of January 12, 1989, in Docket No. CP87-451-016, for a certificate of public convenience and necessity authorizing it to render long-term firm transportation service for two industrial cogeneration developers, Beta Development Company (Beta) and Long Lake Cogeneration Corporation (Long Lake) and to construct and operate related transmission facilities in Pennsylvania, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

CNG proposes to transport up to 38,000 dekatherms (dt) of natural gas on a firm basis, 14,000 dt per day for Beta, and 24,000 dt per day for Long Lake. The Beta and Long Lake quantities would enter CNG's system at Lebanon, Ohio. The volumes transported for Beta would be delivered to Niagara Mohawk Power Corporation at CNG's West Schenectady, New York delivery point. The volumes transported for Long Lake would be delivered to Transcontinental Gas Pipe Line Corporation at CNG's Leidy delivery point. All quantities would be transported under a one-part monthly demand rate.

CNG states that it plans to construct and operate 26.18 miles of 30-inch loop pipeline on CNG's existing Line No. 50 in Pennsylvania, from gate assembly No. 174-A to gate assembly No. 86. The application states that the total cost of facilities is estimated to be $21,035,000 exclusive of Commission filing fees. The project would be financed from funds on hand or to be obtained from CNG's parent corporation, CNG Natural Gas Company.

It should be noted that the Commission's order of January 12, 1989, advises all parties who have previously intervened in Docket No. CP87-451 and in the other "open season" dockets to file new interventions if they wish to become parties in this application.

Comment date: February 22, 1989, in accordance with Standard Paragraph F at the end of this notice.

7. Columbia Gas Transmission Corporation

[Docket No. CP89-635-000]

February 1, 1989.

Take notice that on January 17, 1989, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E. Charleston, West Virginia 25314, filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to construct and operate pipeline facilities to be utilized for firm transportation service under Part 284 of the Commission's Regulations, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Columbia proposes to construct and operate pipeline facilities to be constructed for firm transportation service that is to commence in 1990, 1991 and 1994. The facilities for service in 1990 consist of the installation of a 3,000 HP compressor unit in Harford County, Maryland and measuring and interconnecting facilities between Columbia and Coastal Power Production Company (Coastal) in Gloucester County, New Jersey. The proposed facilities for service in 1991 include the rewheeling of eight existing 1,100 HP compressor units in Loudoun County, Virginia, a 800 HP compressor unit in Paulding County, Ohio and a regulatory station in Allen County, Ohio to reduce the line pressure to 495 psig or less. The facilities needed for service in 1994 encompass the following: A 1,300 HP compressor unit in Chester County, Pennsylvania; an increase in the maximum allowable operating pressure from 500 psig to 1,000 psig in the upstream piping of the Downingtown Compressor Station in Chester County, Pennsylvania; a 1,350 HP compressor unit in Adams County, Pennsylvania; two 3,000 HP compressor units in Harford County, Maryland; 8.3 miles of 24" pipeline looping in York County, Pennsylvania; a 1,350 HP compressor unit in Loudoun County, Virginia; a 800 HP compressor units in Paulding County, Ohio; and an increase in the maximum allowable operating pressure of 19.2 miles of pipeline, including the replacement of 0.3 mile of 20" pipeline, in Hardin and Allen Counties, Ohio, accompanied by two new regulator stations and a value setting near Harrod, Ohio. The estimated cost of these proposed facilities is $34,760,950 and is to be financed by internally generated funds.

These facilities will be utilized, according to Columbia, to transport, on a firm basis, 57,000 Dt per day for Coastal from the interconnection of the facilities of Columbia and ANR Pipeline Company in Paulding, Ohio to the terminus of Columbia pipeline near Swedesboro, New Jersey for ultimate delivery to Coastal's facilities to be arranged by Coastal. In addition, Columbia intends to transport, on a firm basis, 60,790 Dt per day for New England Power Company from the Paulding, Ohio interconnection between ANR and Columbia to a proposed interconnection between Columbia and Algonquin Gas Transmission Company (Algonquin) north of Hanover, New Jersey for ultimate delivery to NEP by Algonquin. The transportation services are for a term of 20 years from the date that service commences. Service for Coastal is scheduled to commence on November 1, 1990. Service for NEP is to commence in two steps—35,455 Dth per day is to begin flowing on November 1, 1991 and 25,335 Dth per day is to begin flowing on November 1, 1994. Columbia intends to provide this firm transportation service pursuant to Part 284 of the Commission's Regulations and, therefore, is not seeking section 7(c) authorization herein.

This application is complementary to ANR's filing in Docket No. CP89-637-000 (which was in response to the Commission's order of January 12, 1989 in Docket No. CP87-451-016) in that it is part of the downstream transportation necessary to move gas from ANR's system to the ultimate end users in the Northeast U.S. Consequently, it should be noted that the Commission's order of January 12, 1989 advises all parties who have previously intervened in Docket No. CP87-451-000, *et al.*, and in the other "open season" dockets to file new interventions if they wish to become parties in this application.

Comment date: February 22, 1989, in accordance with Standard Paragraph F at the end of this notice.

8. Tennessee Gas Pipeline Company

[Docket No. CP89-629-000]

February 1, 1989.

Take notice that on January 17, 1989, Tennessee Gas Pipeline Company (Tennessee) filed an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act and to the Commission's January 12, 1989 order in Docket No. CP87-451-016 for (1) a certificate of public convenience and necessity authorizing Tennessee (a) to provide firm natural gas transportation service to 15 shippers in Connecticut, Massachusetts, Rhode Island, New Hampshire, and New York in an aggregate daily maximum quantity of 319,742 Dt, and (b) to construct and

operate the facilities necessary to transport and deliver those quantities, and (2) permission and approval to abandon a portion of its existing sales obligation to National Fuel Gas Supply Corporation (National Fuel) by reducing National Fuel's annual firm sales entitlements under Tennessee's Rate Schedules CD–4 and CD–5 by 11,635,133 Dt and 7,490,643 Dt, respectively, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Tennessee has filed its application pursuant to the Principles of Settlement filed on November 30, 1988, in the Northeast U.S. Open Season proceedings (Docket Nos. CP87–451, *et al.*). The services and facilities proposed by Tennessee's application relate to the following distinct projects identified and described in the Principles of Settlement: (1) The proposals of Iroquois Gas Transmission System (Iroquois) to construct a 369.4-mile pipeline system from the U.S./Canadian border through the States of New York and Connecticut and of Tennessee to construct certain pipeline looping and compression facilities in the States of Pennsylvania, New York, New Jersey, and Massachusetts (the Iroquois-Tennessee Project), and (2) the proposal of Champlain Pipeline Company (Champlain) to construct a 339.3-mile pipeline system from the U.S./Canadian border through the States of Vemont, New Hampshire, and Massachusetts (the Champlain Project).

It is stated that the Iroquois-Tennessee Project contemplates the transportation by Iroquois of Canadian gas from a proposed interconnection between Iroquois and TransCanada PipeLines Limited (TransCanada) near Iroquois, Ontario to two proposed interconnections between Tennessee and Iroquois in New York and Connecticut, and the redelivery by Tennessee of those volumes to local distribution companies and end users in the States of Connecticut, Massachusetts, New Hampshire, Rhode Island, and New York.

It is further stated that the portion of the Champlain Project relevant to Tennessee's application calls for the transportation by Champlain of Canadian gas from a proposed interconnection between Champlain and TransCanada near Phillipsburg, Quebec to the proposed interconnection of Tennessee and Champlain in Massachusetts and the redelivery by Tennessee of those volumes to a local distribution company in Massachusetts.

The proposed interconnections of Tennessee and Iroquois are at Wright, New York and Stratford, Connecticut. The specific shippers for which Tennessee proposes to receive gas at Wright, New York (and the associated maximum daily quantities and delivery points for each of these shippers) are as follows:

Shipper	Maximum daily quantity (Dt)	Delivery point	Daily tonnage
Connecticut Light & Power Company	9,000	E. Granby, CT	4,000
		Wallingford, CT	5,000
Boston Gas Company	17,100	Beverly-Salem, MA	5,480
		Reading, MA	3,380
		Danvers, MA	8,240
Granite State Gas Transmission Inc	12,100	Agawam, MA	7,450
		Pleasant St., MA	4,550
Colonial Gas Company	2,000	Tewksbury, MA	2,000
		Mendon, MA	2,000
EnergyNorth Natural Gas, Inc	4,000	Laconia, NH	4,000
Essex County Gas Company	2,000	Haverhill, MA	2,000
Valley Gas Company	1,000	Lincoln, RI	1,000
O'Brien Cogeneration, Inc.V	14,000	South Lee, MA	14,000
Pawtucket Power Associates	12,695	Lincoln, RI	12,695
JMC Selkirk, Inc	23,000	Selkirk, NY	23,000
MassPower, Inc	25,000	Monson, MA	25,000
Lee Mass Cogeneration Company	14,400	Lee, MA	14,400

The shippers for which Tennessee proposes to receive gas at Stratford, Connecticut (and the associated maximum daily quantities and delivery points for each of these shippers) are as follows:

Shipper	Quantity (Dt)	Maximum daily delivery point	Daily tonnage
Connecticut Light & Power Company	22,000	Torrington, CT	1,000
		Winstead, CT	200
		Derby, CT	100
		Longridge, CT	100
		E. Granby, CT	9,000
		Stamford, CT	10,000
		Norwalk, CT	1,600
Connecticut Natural Gas Company	50,000	Bloomfield, CT	36,000
		N. Britain, CT	2,800
		N. Bloomfield, CT	9,200
		E. Farmington, CT	2,000
Southern Connecticut Gas Company	35,000	N. Haven, CT	35,000

In addition to the transportation of volumes received at the Iroquois-Tennessee interconnections, but as part of the Iroquois-Tennessee Project, Tennessee proposes to receive an aggregate of 74,547 Dt per day at Tennessee's Station 823 at Kinder, Louisiana and at the tailgate to the Yslocskey Gas Processing Plant in southern Louisiana for redelivery on behalf of New England Power Company at the interconnection of the facilities of

Algonquin Gas Transmission Company and Tennessee at Mendon, Massachusetts.

Tennessee states that the transportation service proposed by Tennessee in connection with the Champlain Project would consist of the receipt from Champlain at Upton, Massachusetts of a maximum daily quantity of 2,000 Dt and the transportation of that quantity from Upton to Haverhill, Massachusetts on behalf of Essex County Gas Company.

To provide the firm transportation services contemplated by the Iroquois-Tennessee Project, Tennessee proposes to construct: (1) An aggregate of 105.41 miles of 36-inch loop of its "200" and "300" mainline systems in the States of Pennsylvania, New York, and Massachusetts; (2) an aggegate of 12.23 miles of 30-inch loop of its "200" mainline system in the States of Massachusetts and New Jersey; (3) additional compression facilities at its Station 245 in Herkimer County, New York (2,100 hp), Station 254 in Columbia County, New York (3,500 hp), Station 261 in Hampden County, Massachusetts (3,300 hp), and at a new compressor station in Worcester County, Massachusetts (700 hp); (4) an aggregate of 23.51 miles of lateral pipeline facilities in the States of Massachusetts, New Hampshire, and Connecticut; (5) a new 11.44-mile 16-inch pipeline extension from Tennessee's "300" mainline system to an interconnection with Southern Connecticut Gas Company in New Haven, Connecticut; (6) a new 2.31-mile 10-inch pipeline extension in Providence County, Rhode Island; and (7) measurement facilities in Essex, Hampden, Berkshire, and Monson Counties, Massachusetts; New Haven and Lincoln Counties, Connecticut; and Albany County, New York, and at the proposed Tennessee/Iroquois interconnections in Wright (Schoharie County), New York and Stratford (Fairfield County), Connecticut. Tennessee also proposes to modify its existing measurement facilities in Fairfield, Litchfield, and Hartford Counties, Connecticut.

To provide the firm transportation service contemplated by the Champlain Project, Tennessee proposes to construct an interconnection with Champlain (with flow regulation and measurement facilities) at Upton, Massachusetts.

The total cost of Tennessee's proposed facilities for both the Iroquois-Tennessee and Champlain facilities is estimated to be $224,674,000. Tennessee states that the proposed facilities would be initially financed by Tennessee with funds on hand, funds generated internally, borrowings under revolving credit agreements or short-term financing which will be rolled into permanent financing.

It is stated that Tennessee has developed two new rate schedules under which it will perform the Iroquois-Tennessee and Champlain transportation services: Rate Schedule NET–EU (for cogeneration and electric power end users) and Rate Schedule NET–LD (for local distribution companies). Tennessee proposes to charge a single part demand rate for service under both Rate Schedule NET–Eu and Rate Schedule NET–LD.

As part of its application, and to effectuate Tennessee's proposed transportation service for New England Power Company, Tennessee has also requested authority to reduce its existing annual sales obligation under Tennessee's Rate Schedules CD–4 and CD–5 to National Fuel by 11,635,133 Dt and 7,490,643 Dt, respectively, with specific monthly limitations as set forth below:

	Current monthly D–2 entitlement		Proposed monthly D–2 entitlement	
	CD–4	CD–5	CD–4	CD–5
January	5,558,300	3,612,275	4,724,555	3,070,426
February	5,020,400	3,262,700	4,267,340	2,773,288
March	5,558,300	3,612,275	4,724,555	3,070,426
April	5,379,000	3,495,750	4,572,550	2,971,380
May	5,558,300	3,612,275	4,418,058	2,883,279
June	5,379,000	3,495,750	4,275,540	2,790,270
July	5,558,300	3,612,275	4,418,058	2,883,279
August	5,558,300	3,612,275	4,418,058	2,883,279
September	5,379,000	3,495,750	4,275,540	2,790,270
October	5,558,300	3,612,275	4,418,058	2,883,279
November	5,379,000	3,495,750	4,572,550	2,971,380
December	5.558.300	3.612.275	4,724.505	3.070.426
Total	65,444,500	42,531,625	53,809,367	35,040,982

It should be noted that the Commission's order of January 12, 1989 advises all parties who have previously intervened in Docket No. CP87–451 and in the other "open season" dockets to file new interventions if they wish to become parties in this application.

Comment date: February 22, 1989, in accordance with Standard Paragraph F at the end of this notice.

9. Champlain Pipeline Company

[Docket No. CP89–646–000]

February 1, 1989.

Take notice that on January 17, 1989, Champlain Pipeline Company (Champlain), 1233 Shelburne Road, Suite C–4, South Burlington, Vermont 05403, filed an application pursuant to section 7(c) of the Natural Gas Act and to the Commission's January 12, 1989 order in Docket No. CP87–451–016 for a certificate of public convenience and necessity authorizing Champlain (a) to provide firm natural gas transportation service to 18 shippers in Vermont, New Hampshire, and Massachusetts in an aggregate daily maximum quantity of 430,591 MMBtu and (b) to construct and operate the facilities necessary to transport and deliver those quantities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Champlain states that it is a general partnership organized under the laws of the State of Vermont, and is made up of the following partners: Noverco Corporation; Northern New England Investment Company, Inc., CV Champlain Investments, Inc.; Resource Monitors, Inc.; AGT Champlain, Inc.; and ANR Champlain, Inc.

Champlain requests authorization to render a transportation service for shippers (shippers, quantities and commencing dates shown below) to serve what it terms an urgent need for natural gas in the New England region.

Champlain states it would provide that while affording long-term benefits to the region in the form of new competition for gas transportation services. Champlain explains that its proposed pipeline, which would serve as an eastern link between the major gas transportation facilities in the U.S. and Canada, would increase supply options to customers in the New England region, including previously unserved areas, and would afford substantial transportation efficiencies for service throughout that New England region. Champlain further states that its system could be efficiently and cost effectively expanded in the future.

Champlain proposes to construct and operate pipeline facilities consisting of: (1) A 24-inch mainline pipeline extending approximately 253 miles from the U.S.-Canadian border in Vermont through New Hampshire to a point of interconnection with Algonquin Gas Transportation Company near West Medway, Massachusetts; (2) a 10-inch mainline branch, extending approximately 28 miles from a point on the mainline near Fitchburg, Massachusetts to a point of delivery near Flints Corner, Massachusetts; (3) an 8-inch branch, extending from the Pelham Mainline Branch approximately 2.7 miles to the vicinity of Nashua, New Hampshire; (4) a 10-inch mainline branch, extending approximately 56 miles from a point on the mainline south of Springifield, Vermont to a point of delivery near Greenfield, Massachusetts; (5) a 10-inch branch extending approximately 1.2 miles to Colrain, Massachusetts; (6) a 4,000 horsepower compressor station located near Middlebury (Mile Post 76.6); and (7) necessary appurtenant facilities. It is stated that the estimated cost of the project is approximately $354,100,000 with expenditures as projected in year of construction. Champlain requests authority to transport natural gas during a two-year phase-up period, commencing October 31, 1991, as follows:

Commencing October 31, 1991—250,117 MMBtu/day

Commencing October 31, 1992—430,591 MMBtu/day

According to Champlain, its proposed facilities have been designed to transport up to 430,591 MMBtu of natural gas per day, at a maximum operating pressure of approximately 1440 psig.

MAXIMUM DAILY QUANTITY

[MMBtu/Day]

Shippers	October 31	October 31, 1992
Algonquin Gas Transmission Co	50,600	50,600
Altresco Lynn, Inc	0	40,000
Berkshire Gas Company	0	5,000
Boston Gas Company	35,000	35,000
Coastal Power Production Co	0	30,000
Colonial Gas Company	12,000	12,000
Commercial Union Energy Corp.—Fall River	14,000	14,000
Darmouth Power Associates	0	35,374
Energy North Natural Gas, Inc.	5,000	5,000
Enertrac Corporation—Woonsocket	1,197	1,197
Essex County Gas Company	2,020	2,020
Granite State Gas Transmission Inc	23,000	23,000
New England Power Company	60,000	60,000
Nordic Power of Montague, Inc	0	62,000
Pepperell Power Associates Limited Partnership	9,400	9,400
Providence Gas Company	30,000	30,000
Valley Gas Company	0	1,000
Vermont Gas Systems, Inc	7,900	15,000
	250,117	430,591

Champlain states that it has identified a large new market for natural gas in New England, that its Application encompasses part of that market and that such market is supported by exclusive precedent agreements between Champlain and each shipper, as well as market data. Champlain also states that its shippers have entered into long-term supply agreements with Canadian suppliers for the export of gas at Philipsburg, Quebec.

Champlain explains that it would provide transportation service only; with the exception of purchasing initial line pack, Champlain does not propose to buy or sell the natural gas transported by the system. Champlain states it would provide both firm and interruptible transportation service on an open-access basis and will, prior to or upon commencement of service seek authorizations under Subpart F of Part 157 of the Regulations and Subpart G of Part 284 of the Regulations. Applicant proposes that firm transportation service will be sold under a two part (reservation charge, commodity charge) rate based on the Commission's modified fixed variable methodology, while interruptible transportation service is proposed under a one-part (commodity) rate, based upon the firm rate at 100 percent load factor.

Applicant proposes two rate zones. Points of delivery which are located at or north of mainline milepost 177 or Berkshire Branch milepost 30 are in rate Zone 1. Rate Zone 2 extends from the end of Rate Zone 1 south to the terminus of the mainline near West Medway, Massachusetts and the terminus of the Berkshire Branch near Greenfield, Massachusetts. According to Applicant, based upon the cost of service contained in its application, the maximum 100 percent load factor unity throughput charge for transportation commencing October 31, 1991 would be as follows:

Rate Zone 1—0.3074 cents per MMBtu

Rate Zone 2—0.5970 cents per MMBtu

Applicant states that, although precise financing for the project has not been determined, for purposes of its Application, such financing is based upon a capitalization of approximately 25 percent equity contribution by the partners and 75 percent limited or non-recourse debt. For settlement purposes, applicant proposes that the initial rate provide for a return on equity of 15 percent (on a levelized basis); this is a reduction in the claimed rate of return from 16.5 percent contained in the application filed on January 15, 1988.

Applicant explains that it has instituted a comprehensive environmental public disclosure and impact mitigation program in connection with its project and that it places a premium on careful environmental planning and consultation before filing with regulatory authorities. Applicant states that wherever possible it avoids government-held lands and wetlands and utilizes existing utility right-of-way.

Applicant states that operational functions will be performed by Champlain Pipeline Operating Company, Inc. (CPOC) and by AGT Green Mountain Pipeline Company, Inc. (AGT Green Mountain). In addition, CPOC will: Perform certain management and marketing functions for Champlain, be responsible for the design and construction of the project and administer the agreement between Champlain and AGT Green Mountain.

It should be noted that the Commission's order of January 12, 1989 advises all parties who have previously intervened in Docket No. CP87-451 and in other "open season" dockets to file new interventions if they wish to become parties in this application.

Comment date: February 22, 1989, in accordance with Standard Paragraph F at the end of this notice.

10. Iroquois Gas Transmission System

[Docket No. CP89-634-000]

February 1, 1989.

Take notice that on January 17, 1989, Iroquois Gas Transmission System (Iroquois), 2 Enterprise Drive, Shelton, Connecticut 06484, filed in Docket No. CP89-634-000 an application pursuant to section 7(c) of the Natural Gas Act and

the Commission's order of January 12, 1989, in Docket No. CP87–451–016 for a certificate of public convenience and necessity authorizing it to construct and operate a new pipeline system and to transport natural gas for customers in New Jersey, New York, and New England. Iroquois also requests a blanket transportation certificate of public convenience and necessity under Subpart G of Part 284 of the Commission's Regulations and a blanket facilities certificate of public convenience and necessity under Subpart F of Part 157 of the Commission's Regulations, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Iroquois states that its application is submitted concurrently with a Joint Offer of Settlement filed by Iroquois and Tennessee Gas Pipeline Company (Tennessee) pursuant to Commission Rule 602. The Joint Offer of Settlement is filed in accordance with the Principles Of Settlement certified by the Chief Administrative Law Judge to the Commission on November 30, 1988, in Docket No. CP87–451, *et al.* The Joint Offer Of Settlement proposes, as the settlement offer, that the Commission grant the certificates sought in the Iroquois application filed herein and in a companion application filed concurrently by Tennessee in Docket No. CP89–629–000.

It is stated that Iroquois is a general partnership established under the laws of New York. The Partners in Iroquois are or will be affiliates of TransCanada PipeLines Limited (TransCanada), AEC Oil and Gas Company, The Brooklyn Union Gas Company, the Northeast Utilities System, Connecticut Natural Gas Corporation, Southern Connecticut Gas Company, New Jersey Resources Company, J. Makowski Company, Inc., Tennessee, Texas Eastern Transmission Corporation, ANR Pipeline Company, and CNG Transmission Corporation.

Iroquois states that the purpose of the proposed project is to provide markets in the Northeast U.S. access to new and diverse energy supplies. Iroquois seeks authority to construct and operate a new pipeline system which would have a capacity of 534,000 Mcf of natural gas per day and which would consist of (a) 192.3 miles of buried 30-inch diameter pipe and 141.6 miles of buried 24-inch diameter pipe from a point of interconnection with the facilities of TransCanada on the international border near Iroquois, Ontario, through eastern New York and western Connecticut to a shoreline point near Milford, Connecticut and (b) 26.7 miles of underwater 24-inch diameter pipe from the Connecticut shoreline across Long Island Sound to a point near Northport, Long Island, New York. The estimated cost of the completed project is $523.7 million in 1991 dollars. The planned in-service date is October 31, 1991 or earlier.

It is stated that the precise financing has not been determined, but that it is anticipated that twenty-five percent of the required capital will be furnished by the Partners as equity and that seventy-five percent will consist of non-recourse debt, initially raised during the construction period primarily from commercial banks and insurance companies. Iroquois proposes that its equity investment earn at the rate of 15 percent.

Iroquois proposes to provide firm and interruptible transportation service on an open access, non-discriminatory basis. Iroquois requests authorization to provide firm reserved transportation of 533,900 Mcf of natural gas per day for local distribution companies and power generators located in New York, New Jersey, and New England as shown in the following table. To the extent capacity is available, Iroquois will provide interruptible service in addition to its firm reserved service.

Iroquois also seeks conditional pre-granted authority to abandon the proposed services at the expiration of the contracts for those services. In addition, Iroquois requests blanket transportation and facilities certificates authorizing transportation of natural gas on behalf of others on a self-implementing basis and certain permissible construction and operation of facilities, respectively.

Shipper	Volume (MMcf/d)	
	First year	Full
The Brooklyn Union Gas Company	50.0	70.0
The Connecticut Light & Power Co.	30.0	59.0
Connecticut Natural Gas Corporation	30.0	50.0
New Jersey Natural Gas Company	40.0	40.0
Long Island Lighting Company	35.0	35.0
Southern Connecticut Gas Company	20.0	35.0
Central Hudson Gas & Electric Corp	15.0	20.0
Consolidated Edison Company of New York, Inc	20.0	20.0
Boston Gas Company	17.1	17.1
New York State Electric & Gas Corporation	6.0	17.0
Granite State Gas Transmission, Inc	12.0	12.0
Public Service Electric & Gas Company	10.0	10.0
Elizabethtown Gas Company	5.0	5.0
EnergyNorth Natural Gas, Inc	4.0	4.0
Colonial Gas Company	2.0	2.0
Essex County Gas Company	2.0	2.0
Valley Gas Company	1.0	1.0
LDC subtotal	299.1	399.1
MassPower Project	25.0	25.0
JMC Selkirk Cogeneration	23.0	23.0
Long Lake Cogeneration Corporation	21.0	21.0
Lee Mass Cogeneration	14.4	14.4
O'Brien Cogeneration, Inc. V	14.0	14.0
First Energy Associates	13.0	13.0
Pawtucket Power Associates	12.7	12.7
L&J Energy Systems, Inc. (Lowville Project)	11.7	11.7
Power generation subtotal	134.8	134.8
Total	433.9	533.9

It should be noted that the Commission's order of January 12, 1989 advises all parties who have previously intervened in Docket No. CP87–451 and in the other "open season" dockets to file new interventions if they wish to become parties in this proceeding.

Comment date: February 22, 1989, in accordance with Standard Paragraph F at the end of this notice.

11. Algonquin Gas Transmission Company

[Docket No. CP89–661–000]

February 1, 1989.

Take notice that on January 17, 1989, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed at Docket No. CP89–661–000, pursuant to section 7(c) of the Natural Gas Act, an application for a certificate of public convenience and necessity authorizing (1) the firm transportation of up to 381,604 dekatherms per day (Dt/d); (2) the receipt of up to 50,600 Dt/d from Champlain Pipeline Company (Champlain) for Algonquin's system supply; and (3) the construction and operation of additional pipeline and appurtenant facilities estimated to cost approximately $125 million; all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Algonquin states that the application was filed to execute its part of the Principles of Settlement attached to and part of the "Final Report of the Chief Judge and Certification of Settlement," issued on November 30, 1988, and the Commission's January 12, 1989, "Order Ruling on Discreteness of Additional Northeast Projects and Establishing Procedures," in Docket No. CP87–451–

008, *et al.* Algonquin avers that its application is necessary to provide the downstream transportation of various supplies of Canadian and domestic natural gas to customers in the Northeast United States under several of the Settlement projects. These Settlement projects are said to include the Champlain Project (See the filings at Docket No. CP89–646–000), the Iroquois/Tennessee Project (See the filing at Docket Nos. CP89–629–000, and CP89–634–000) and the ANR Project (See the filings at Docket Nos. CP89–635–000, CP89–637–000, and CP89–638–000).

According to Algonquin, the twelve customers of the Champlain Project, including Algonquin, would arrange for Algonquin to receive up to 200,800 Dt/d in 1991, increasing to a maximum daily quantity of 307,174 Dt/d in 1992, at an interconnection with the proposed Champlain pipeline project near West Medway, Massachusetts. Algonquin states that it would redeliver equivalent volumes to the eleven shippers at various points along its system (with redeliveries of up 30,000 Dt/d to one customer, Coastal Power, to be arranged later). Algonquin includes precedent agreements with each of the proposed shippers as part of its application.

Algonquin would purchase up to 57,600 Dt/d from Pan Alberta at the Canadian border, which would be delivered to Champlain for transportation to Algonquin's system. Algonquin would receive up to 50,600 Dt/d at West Medway for its own supply, or, in part, for direct assignment to Fitchburg Gas and Electric Company (Fitchburg), and Keene Gas Corp. (Keene). Algonquin states that it has executed letter agreements with Fitchburg and Keene, subject to successful negotiations between Fitchburg, Keene, and Pan Alberta, to assign its gas supply rights with Pan Alberta, and its firm transportation rights on the Champlain system directly to Fitchburg (1,000 Dt/d at the Canadian border) and Keene (1,500 Dt/d at the Canadian border). Algonquin further states that it has also executed a letter agreement with Colonial Gas Company (Colonial), subject to successful negotiations between Colonial and Pan Alberta, to directly assign to Colonial its rights to purchase up to 7,000 Dt/d from Pan Alberta.

Algonquin also proposes to provide firm transportation as part of the proposed Iroquois/Tennessee project. Algonquin states that it would receive up to 79,030 Dt/d in 1991, increasing to 90,030 Dt/d in 1992, from Tennessee at interconnection points near Brookfield and Mendon. Algonquin would redeliver equivalent volumes to the three Iroquois/Tennessee customers at points in New York, Connecticut, Rhode Island and Massachusetts.

Finally, Algonquin would provide firm transportation as part of the proposed ANR project. ANR, it is said, would effectuate delivery of natural gas to Columbia near Paulding, Ohio for New England Power Company's (NEPC) account. Algonquin would receive from Columbia Gas Transmission Corporation (Columbia), near Hanover, New Jersey up to 35,000 Dt/d in 1991, which it would redeliver to NEPC's Manchester Street Station, in Providence, Rhode Island, or to NEPC's Brayton Point Plant, near Somerset, Massachusetts.

Algonquin proposes to provide the new firm transportation services under two new rate schedules. Firm transportation services provided for NEPC would be accomplished under Rate Schedule X–38. Firm transportation services for the other shippers would be provided under Rate Schedule AFT–2. Rate Schedules X–38 and AFT–2 provide for one-part monthly demand charges which are said to be designed to fully recoup the cost-of-service of the proposed incremental facilities. Shippers would incur monthly demand charges of $4.679 per Dt for the Champlain and Iroquois/Tennessee project volumes and $12.089 per Dt for the ANR project volumes.

To provide the proposed firm transportation services described above, Algonquin proposes to construct and operate extensive facility additions. these include: 12,600 horsepower of new compression at Mendon, Massachusetts; 41.6 miles of various diameter loops and delivery lateral pipeline to be located in Connecticut, Massachusetts, and Rhode Island; and four new meter stations and other miscellaneous modifications to existing meter stations. These facilities are estimated to cost $124.9 million. Algonquin notes in its application that it does not at the present time request authority to construct and operate the facilities needed to provide the increase in service to NEPC scheduled for 1994 under the ANR project. Algonquin asserts that it will design and request authority to construct the necessary additional facilities in time to meet the requested increase in service from 35,000 Dt/d to 60,000 Dt/d by October 31, 1994.

It should be noted that the Commission's order of January 12, 1989, advises all parties who have previously intervened in Docket No. CP87–451 and in the other "open season" dockets to file new interventions if they wish to become parties in this application.

Comment date: February 22, 1989, in accordance with Standard Paragraph F at the end of this notice.

12. ANR Pipeline Company

[Docket No. CP89–637–000]

February 1, 1989

Take notice that on January 17, 1989, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed an application in Docket No. CP89–637–000 pursuant to section 7(c) of the Natural Gas Act and to the Commission's order of January 12, 1989 in Docket No. CP87–451–016 for a certificate of public convenience and necessity authorizing it to construct and operate pipeline facilities and perform transportation services, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, ANR proposes to transport, on a firm basis, 287,500 Mcf per day on behalf of the following customers:

Customer	Volume (MMcf/d)
Long Lake Cogeneration Corporation	40.0
Energy Marketing Exchange, Inc.	6.0
J. Makowski Associates, Inc.	50.0
ENPEX	17.0
Kamine Group	57.5
New England Power Company	60.0
Eagle Point Cogeneration	57.0

ANR also intends to transport, on an interruptible basis, 50,000 Mcf per day on behalf of one end user, Energy Marketing Exchange, Inc.

ANR proposes to construct and operate 92.4 miles of new 24" pipeline from its mainline near Muncie, Indiana to Lebanon, Ohio where it will interconnect with the facilities of CNG Transmission Company (CNG) and Texas Eastern Transmission Corporation (TETCO). Further, ANR requests authorization to construct 160.7 miles of pipeline looping, 21,000 HP of compression and appurtenant facilities. ANR asserts that these facilities are necessary to support the proposed transportation services. Volumes of gas will be delivered to CNG and TETCO at Lebanon, Ohio and to Columbia Gas Transmission Corporation at an existing interconnection at Paulding, Ohio for ultimate delivery to the abovementioned transportation customers. The total cost of these facilities are estimated to be $168,309,000 which is to be financed from funds on hand. The states that will be affected by the proposed

construction include: Illinois, Indiana, Iowa, Kansas, Missouri, Ohio and Wisconsin.

ANR states that the proposed transportation services will be performed under its currently effective FERC Tariff Volume No. A which governs self-implementing transportation services.

This application was filed concurrently with an Offer of Settlement in Docket No. CP87–451–000, *et al.*, and Docket No. CP88–193–000 which provides for (a) the expedited processing and approval of the instant application, subject to the completion of a full environmental review, and (b) the withdrawal of the EASTCO filing in Docket No. CP88–193–000 upon acceptance of a final certificate in this proceeding. It should be noted that the Commission's order of January 12, 1989 advises all parties who have previously intervened in Docket No. CP87–451–000, *et al.*, and in the other "open season" dockets to file new interventions if they wish to become parties in this application.

Comment date: February 22, 1989, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

13. Transwestern Pipeline Company

[Docket No. CP89–730–000]

February 2, 1989

Take notice that on January 30, 1989, Transwestern Pipeline Company (Transwestern), P.O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP89–730–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of McKay Oil Corporation (McKay), a natural gas producer, under Transwestern's blanket certificate issued in Docket No. CP88–133–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transwestern requests authorization to transport, on an interruptible basis, up to a maximum of 2,500 MMBtu of natural gas per day for McKay from a receipt point located in Section 29, Township 4 South, Range 22 East, Chaves County, New Mexico, to a delivery point located in section 8, Township 6 South, Range 23 East, Chaves County, New Mexico. Transwestern anticipates transporting, on an average day 1,875 MMBtu and an annual volume of 912,500 MMBtu.

Transwestern states that the transportation of natural gas for McKay commenced December 30, 1988, as reported in Docket No. ST89–1890–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations.

Comment date: March 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

14. Florida Gas Transmission Company

[Docket No. CP68–179–013]

February 2, 1989

Take notice that on January 13, 1989, Florida Gas Transmission Company (FGT), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP68–179–013 an amendment to its pending applications in Docket Nos. CP68–178–012 *et al.*, pursuant to sections 7(b) and 7(c) of the Natural Gas Act for a certificate of public convenience and necessity requesting (1) an allocation of existing capacity (Phase I capacity) and new annual volumetric entitlements (AVE) for its customers, (2) changes to the terms and conditions concerning its existing Rate Schedules G and I, (3) authorization to implement a small general resale service under a proposed Rate Schedule SGS and to implement services on behalf of any new firm sales customers requesting and receiving an allocation of capacity, (4) implementation of conversion rights for FGT's resale and direct sales customers, (5) the withdrawal of its request for separate section 7(c) certificates to implement transportation services under proposed Rate Schedules FTS–1 and PT, currently pending in Docket No. CP68–128–012 and the abandonment of firm transportation service under Rate Schedule T–3 and (6) other tariff changes reflecting FGT's desire to provide "open-access" transportation services, to alter its priorities of service, and to modify other provisions in its General Terms and Condition (GTC) Section of its FERC Gas Tariff, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

FGT states that on October 30, 1987, it submitted an Offer of Settlement and an amendment in Docket Nos. CP68–128–012 *et al.*, which addressed two central issues (1) justification for FGT's proposed facilities (Phase II expansion) and (2) the restructuring of the contractual relationships with its customers in order to offer an expansion of services. Subsequently, FGT states that it has entered into further discussions with all of its customers and has submitted concurrently four interrelated filings which address the pending service issues in Docket CP68–128–012 *et al.* Aside from the instant amendment, Docket No. CP68–128–013, FGT asserts the current filings are: (1) Docket No. RP89–50–000—a proposed general cost of service rate increase and new rate design, (2) Docket No. CP89–555–0900—a request for the Commission's blanket transportation certificate under Order Nos. 436 and 500, and (3) Docket No. CP89–556–000—a request for a blanket certificate to make sales for resale to others. FGT asserts that all four filings are interrelated, and conditions its willingness to accept a blanket transportation certificate on the Commission's approval of all four applications. Therefore, FGT requests that the Commission consolidate all four applications into one proceeding.

FGT hereby requests to abandon its current system of AVE's and the interim allocation plan as set forth in section 21 of the General Terms and Condition of its FERC Gas Tariff to be effective upon its acceptance of a blanket transportation certificate under Subpart G of Part 284 of the Commission's Regulations. FGT proposals include abandonment of all certificated level of sales (including the use of its transmission facilities to effectuate direct sale arrangements) and its Rate Schedule T–3 services as well. FGT requests authorization to concurrently implement an allocation of the Phase I capacity. FGT states that an initial allocation for Phase I, capacity is set forth in Exhibit I of Docket No. CP68–129–013; however, FGT proposes to conduct an "open season" starting on January 13, 1989, and concluding on March 15, 1989. FGT proposes that customers listed in Exhibit I who wish to increase or decrease the firm levels of entitlements should submit their request within this time frame and all such requests will be considered as being filed concurrent; it is explained. After March 15, 1989, FGT states that it would accept any additional request for uncommitted Phase I capacity until on or before April 1,1989, whereupon FGT states that it would list any request for firm capacity which cannot be accommodated on a Firm Natural Gas Service Log which FGT proposes to establish in section 14 in its GTC of its FERC Gas Tariff. On May 1, 1989, FGT proposes to revise Exhibit I of the instant amendment to reflect the results of the proposed "open season" and would also file to revise the propose rates in Docket No. RP89–50–000 at that time as well. FGT further proposes to conduct an "open season" for customers desiring interruptible sales or transportation services. FGT asserts that it would provide public notice of the date of commencement of such "open

season" via its electronic bulletin board and through notices in the Wall Street Journal and other trade publications.

FGT states that in Docket No. CP68–129–012 *et al.* it proposed to restructure its tariff to enable it to provide firm sales for resale under Rate Schedule G and to provide preferred interruptible sales under Rate Schedule I to be effective on the in-service date of the proposed facilities. Due to the interrelationship of the proposals in Docket Nos. RP89–50–000, CP68–129–013, CP89–555–000 and CP89–556–000, FGT now requests that the proposed revisions to Rate Schedules G and I become effective upon its acceptance of a blanket transportation certificate, at which time the allocation of Phase I capacity would also take place. FGT explains that the revisions requested to be made are the same as proposed previously for Docket No. CP68–129–012 *et al.* with the following modifications: (1) The respective *Rate* sections reflect the proposed rate design in Docket No. RP89–50–000, (2) conversion rights which allegedly conform to the Commission's policy under Order Nos. 500, *et seq.*, (3) modification to the *Authorized Over-run* Gas section and the elimination of the *Minimum Bill* section of its FERC Gas Tariff, and (4) the implementation of an *Entitlement Charge* section under Rate Schedule I service and the removal of all end-use restrictions as currently implemented under Rate Schedule I service.

FGT also requests certificate authorization to establish a Rate Schedule SGS service for customers purchasing less than 1,100,000 dt annually at a one-part volumetric rate. FGT states that no conversion rights to firm transportation service would be proposed for Rate Schedule SGS service although those customers identified in Exhibit I as proposed Rate Schedule SGS customers would be provided the opportunity to receive service under FGT's Rate Schedule G during FGT's proposed "open season". FGT proposes to make effective the Rate Schedule SGS service upon the date it accepts it blanket transportation certificate and requests abandonment authority under Rate Schedule G for those customers which would be served under the Rate Schedule SGS. FGT proposes that rates for Rate Schedule SGS be established in Docket No. RP89–50–000.

FGT states that it requested in Docket No. CP68–129–012 *et al.*, individual certificates to implement transportation services under Rate Schedules FTS–1 and PT. FGT points out that in view of its request for a blanket transportation certificate in Docket No. CP89–555–000 that such requests for individual transportation services are no longer necessary. Therefore, FGT proposes the withdrawal of these requests for individual certificates and instead would self-implement proposed firm, preferred interruptible, and interruptible transportation services under § 284.221 of the Commission's Regulations and under the proposed Rate Schedules FTS–1, PIT–1 and ITS–1 proposed for Docket No. CP89–555–000.

FGT states that in Docket No. CP68–129–012 *et al.*, it requested abandonment authority for a firm transportation service on behalf of Florida Power and Light Company (FP&L) as described in Rates Schedule T–3 to be effective on the in-service dates the facilities proposed for Phase II expansion. However, FGT now proposes to give FP&L the option of nominating firm transportation service under proposed Rate Schedule FTS–1 or to retain entitlements under Rate Schedule T–3 service. In the event FP&L elects to receive all of its entitlements under Rate Schedule FTS–1, then FGT requests abandonment authority for Rate Schedule T–3 service to be effective on the date FGT accepts a blanket transportation certificate.

FGT proposes numerous other changes to its GTC of its FERC Gas Tariff. The following are the sections which are requested for modification or inclusion into its FERC Gas Tariff: Section 9—*Priority of Service*, Section 9A—*Priorities of Service—Pipeline Capacity*, Section 9B—*Priorities of Service—Scheduling*, Section 13—*Changes IN Contract Quantities*, Section 16—*Schedule of Effective Miniumum Annual Quantity*, Section 16A—*Conversion of Service*, Section 18—*Determination of Deliveries*, Section 24—*Order No. 497 Compliance*, and Section 25—*Transition Cost Recovery Mechanism*. FGT states that the Transition Cost Recovery (TCR) mechanism would be amounts prudently incurred and paid by FT to its producer/suppliers in settlement of take-or-pay obligations or to reform contract terms in such contracts. FGT states that any cost paid by FGT to Southern Natural Gas Company (SNG) relating to the flow-through of take-or-pay costs from SNG would not be included in the proposed TCR mechanism. FGT states that the TCR mechanism would be applied as a surcharge during the same five year period in which its existing customers may elect to convert 100 percent of their sales entitlements to transportation.

Comment date: February 23, 1989, in accordance with the first subparagraph of Standard Paragraph G at the end of this notice.

15. Texas Gas Transmission Corporation

[Docket No. CP89–720–000]

February 2, 1989

Take notice that on January 30, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP89–720–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Stand Energy Corporation (Stand), under the blanket certificate issued in Docket No. CP88–686–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Texas Gas states that pursuant to a transportation agreement dated November 4, 1988, under its currently effective T rate schedule, it proposes to transport up to 142,820 MMBtu per day equivalent of natural gas for Stand from points of receipt listed in Exhibit "B" of the agreement to delivery points listed in Exhibit "C", which transportation service involves various transporters. Texas Gas advises that the ultimate end-user of the gas is The Kroger Company.

Texas Gas advises that service under § 284.223(a) commenced on December 15, 1988, as reported in Docket No. ST89–1402. Texas Gas further advises that it would transport 10,000 MMBtu on an average day and 52,129,300 MMBtu annually.

Comment date: March 20, 1989, in accordance with Paragraph G at the end of this notice.

16. Texas Gas Transmission Corporation

[Docket No. CP89–717–000]

February 2, 1989

Take notice that on January 30, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP89–717–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Total Minatome Corporation (Total), under the blanket certificate issued in Docket No. CP88–686–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Texas Gas states that pursuant to a transportation agreement dated October 10, 1988, under its currently effective T rate schedule, it proposes to transport up to 25,000 MMBtu per day equivalent of natural gas for Total from point(s) of receipt listed in Exhibit "B" of the agreement to delivery point(s) listed in Exhibit "C", which transportation service involves various transporters. Texas Gas advises that the ultimate end-user of the gas is Louisville Gas and Electric Company.

Texas Gas advises that service under § 284.223(a) commenced on December 15, 1988, as reported in Docket No. ST89–1820. Texas Gas further advises that it would transport 1,000 MMBtu on an average day and 365,000 MMBtu annually.

Comment date: March 20, 1989, in accordance with Paragraph G at the end of this notice.

17. Tennessee Gas Pipeline Company

[Docket No. CP89–713–000]

February 2, 1989

Take notice that on January 30, 1989, Tennessee Gas Pipeline Company, (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP89–713–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Superior Natural Gas Corporation (Superior), a marketer, acting on behalf of itself and as agent for Walter Oil & Gas Corporation, under the blanket certificate issued in Docket No. CP87–115–000 on June 18, 1987, puruant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Tennessee states that pursuant to a transportation agreement dated November 23, 1988, as amended, under its Rate Schedule IT, it proposes to transport up to 50,000 dekatherms (dt) per day equivalent of natural gas for Superior. Tennessee states that it would transport the gas from receipt points located offshore Louisiana and offshore Texas, and in the states of Alabama, Kentucky, Louisiana, Mississippi, Pennsylvania and Texas, and deliver such gas to various points off Tennessee's system, points located in multiple states.

Tennessee advises that service under § 284.223(a) commenced December 8, 1988, as reported in Docket No. ST89–1711 (filed January 12, 1988). Tennessee further advises that it would transport 50,000 dt on an average day and 18,250,000 dt annually.

Comment date: March 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

18. United Gas Pipe Line Company

[Docket No. CP89–709–000]

February 2, 1989

Take notice that on January 27, 1989, United Gas Pipe Line Company (United), P. O. Box 1478, Houston, Texas 77251–1478, filed in Docket No. CP89–709–000, a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to provide a transportation service for Texas Gas Marketing (Texaco), a marketer, under United's blanket certificate issued in Docket No. CP88–6–000 pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United states that pursuant to an interruptible transportation agreement dated June 15, 1988, as amended on December 16, 1988, it proposes to transport natural gas for Texaco from points of receipt located in the state of Texas to points of delivery located in the states of Texas, Louisiana and Mississippi.

United further states that the peak day quantities would be 41,200 MMBtu, the average daily quantities would be 41,2000 MMBtu and that the annual quantities would be 15,038,000 MMBtu. Service under § 284.223(a) commenced December 16, 1988, as reported in Docket No. ST89–1743–000, it is stated.

Comment date: March 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

19. Equitrans, Inc.

[Docket No. CP89–676–000]

February 2, 1989

Take notice that on January 23, 1989, Equitrans, Inc. (Equitrans) 4955 Steubenville Pike, Pittsburgh, Pennsylvania 15205, filed in Docket No. CP89–676–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to add two new delivery points to Equitable Gas Company, a Division of Equitable Resources, Inc. (Equitable) an existing customer, under Equitrans' blanket certificate issued in Docket No. CP86–553–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Equitrans proposes to construct and operate two taps off its 16-inch, H–152 transmission line, one in Pine Township and one in Robinson Township, Allegheny County, Pennsylvaina. Equitrans states the estimated peak day volumes to be 1,200 Mcf and 2,700 Mcf, respectively, and the estimated annual volumes to be 100,000 Mcf and 225,000 Mcf, respectively. Equitrans further states that the gas would be used to serve small commercial and residential customers.

Equitran asserts that the proposed delivery points would have an insignificant impact on its facility to meet its peak day and annual deliveries.

Comment date: March 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

20. United Gas Pipe Line Company

[Docket No. CP89–704–000]

February 3, 1989

Take notice that on January 26, 1989, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, pursuant to section 7(c) of the Natural Gas Act, filed in Docket No. CP89–704–000 an application requesting authorization to transport and deliver up to 124,100 MMBtu of natural gas per day for direct sale to Mississippi Power company (Mississippi Power), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, United requests authorization to implement three interruptible and one firm gas sales contracts with Mississippi Power at three locations in Mississippi. Certificated facilities are in place and ready for contract implementation at all of the locations.

Comment date: February 24, 1989, in accordance with Standard Paragraph F at the end of this notice.

21. Southern Natural Gas Company

[Docket No. CP89–687–000]

February 3, 1989

Take notice that on January 23, 1989, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202–2563, filed in Docket No. CP89–687–000 an application pursuant to section 7(b) of the Natural Gas Act, for an order permitting and approving Southern's abandonment of certain pipeline and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Southern requests authority to abandon approximately 81.194 miles of its 12-inch and 8-inch Montgomery-

Columbus Loop Line by sale to SNG Intrastate Pipeline Inc. (SNG Intrastate), a wholly-owned subsidiary. Southern states that this segment of pipeline extends from its McConnells Compressor Station in Tuscaloosa County, Alabama, to its Selma Compressor Station in Dallas County, Alabama. Southern further states that its 12-inch Montgomery-Columbus Line parallels this segment of its Loop Line and has sufficient capacity and the existing capability to serve those customers currently served by the Loop Line without any interruption in service. Southern asserts that the proposed abandonment would save future replacement costs, annual maintenance expenses and increase the operational efficiency of its system.

Southern proposes to sell the subject pipeline facilities to SNG Intrastate at their depreciated book value of $2,801,685.82. It is explained that SNG Intrastate currently owns and operates an intrastate pipeline system in Northwest Alabama and proposes to expand its system by interconnecting the 81.194 miles of pipeline described herein to its existing intrastate system. This proposed expansion is expected to benefit all of SNG Intrastate's customers by allowing them additional options and flexibility for the movement of their gas.

Comment date: February 24, 1989, in accordance with Standard Paragraph F at the end of this notice.

22. Iowa-Illinois Gas and Electric Company

[Docket No. CP89–655–000]

February 3, 1989

Take notice that on January 18, 1989, Iowa-Illinois Gas and Electric Company (Iowa-Illinois), 206 East Second Street, P.O. Box 4350, Davenport, Iowa 52808, filed in Docket No. CP89–655–000 an application, pursuant to section 7(f) of the Natural Gas Act, requesting that the Commission modify the certificated section 7(f) service area determination granted in Docket No. CP86–688–000 in two respects. Iowa-Illinois requests that its section 7(f) service area in Illinois be expanded to include the remainder of its Illinois natural gas service territory, and extended to encompass a transmission line which interconnects with the facilities of ANR Pipeline Company (ANR), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Iowa-Illinois states that it presently has a Hinshaw exemption for this service territory (Illinois Hinshaw). Iowa-Illinois is requesting that the area subject to its Illinois Hinshaw be included in its section 7(f) service area determination for the purpose of utilizing the opportunities provided by the Uniform Regulatory Jurisdiction Act of 1988 (H.R. 2884) recently passed by Congress and signed by the President. Second, Iowa-Illinois requests the section 7(f) service area determination be modified by extending the certificated service area in Illinois to a point of interconnection with the pipeline system of ANR Pipeline Company (ANR) near New Windsor, Illinois. It is stated that Iowa-Illinois and ANR are constructing interconnection facilities which will commence at ANR's New Windsor, Illinois, Compressor Station and proceed north for a distance of approximately 10.5 miles. Iowa-Illinois states that the interconnection facilities will then divide to create two laterals totaling approximately 5.05 miles in length, which will interconnect with Iowa-Illinois' existing gas facilities near Moline No. 1 and Moline No. 3 meter stations located in Rock Island County and Henry County, Illinois, respectively. It is stated that, since one of the two laterals is proposed to interconnect with Iowa-Illinois' facilities near Moline No. 3 meter station, and since those facilities were the subject of Iowa-Illinois' section 7(f) service area application, because to connect to the pipeline which crosses the Mississippi River into Iowa, Iowa-Illinois believes the interconnection with ANR requires an extension of Iowa-Illinois' section 7(f) certificate service area. It is further stated that Exhibit F of this proceeding describes Iowa-Illinois' existing section 7(f) service area in Illinois and the areas for which service area extensions are requested.

Iowa-Illinois is requesting an extension of its Illinois service area determination for the entire area marked in blue on Exhibit F, page 2 of 5, to eliminate the need for requesting future authority to expand or enlarge its facilities in this area or in the event the interconnection, as ultimately constructed, varies slightly from the route as it is presently planned. It is stated that the area noted in blue on Exhibit F is presently in the retail service territory of Illinois Power Company, although Iowa-Illinois states that, to the best of Iowa-Illinois knowledge and belief, no customers are presently being served by Illinois Power Company in this area. Iowa-Illinois states that Illinois Power Company has been served with a copy of this application. Iowa-Illinois does not propose to extend the service area determination in Iowa, it is stated.

Comment date: February 24, 1989, in accordance with Standard Paragraph F at the end of this notice.

23. Williams Natural Gas Company

[Docket No. CP89–733–000]

February 3, 1989

Take notice that on January 30, 1989, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP89–733–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (19 CFR 157.205) for authorization to transport natural gas for Lakeview Village (Lakeview), an end-user, under WNG's blanket certificate issued in Docket No. CP86–631–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

WNG proposes to transport on a firm basis up to 80 MBtu equivalent of natural gas on a peak day, 55 MMBtu equivalent on an average day and 29,200 MMBtu equivalent on an annual basis for Lakeview. It is stated that WNG would receive the gas for Lakeview's account at an existing point on WNG's system in Hemphill County, Texas and would deliver equivalent volumes at an existing point on WNG's system in Kansas. It is asserted that the service would be effected using existing facilities and that no construction of facilities would be required. It is explained that the transportation service commenced December 17, 1988, under the self-implementing authorization of § 284.223 of the Commission's Regulations as reported in Docket No. ST89–1807.

Comment date: March 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

24. Northwest Pipeline Corporation

[Docket No. CP89–735–000]

February 3, 1989.

Take notice that on January 30, 1989, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP89–735–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas under its blanket certificate issued in Docket No. CP86–578–000 pursuant to section 7 of the Natural Gas Act for Eagle-Picher Minerals, Inc. (Eagle-Picher), all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest proposes to transport natural gas for Eagle-Picher pursuant to a transportation agreement dated February 24, 1988. Northwest explains that service commenced December 5, 1988, under § 284.223(a) of the Commission's Regulations, as reported in Docket No. ST89–1657. Northwest further explains that the peak day quantity would be 2,700 MMBtu, the average daily quantity would be 2,000 MMBtu, and that the annual quantity would be 730,000 MMBtu. Northwest explains that it would receive natural gas for Eagle-Picher's account at various receipt points on its system in Colorado, Wyoming, Utah, and Washington and would redeliver the gas at a delivery point on its system in Owyhee County, Idaho.

Comment date: March 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

25. Northwest Pipeline Corporation

[Docket No. CP89–729–000]

February 3, 1989.

Take notice that on January 30, 1989, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP89–729–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas under its blanket certificate issued in Docket No. CP86–578–000 pursuant to section 7 of the Natural Gas Act for United Engine and Machine Co. (United Engine), all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest proposes to transport natural gas for United Engine pursuant to a transportation agreement dated April 8, 1988. Northwest explains that service commenced December 3, 1988, under § 284.223(a) of the Commission's Regulations, as reported in Docket No. ST89–1658. Northwest further explains that the peak day quantity would be 300 MMBtu, the average daily quantity would be 300 MMBtu, and that the annual quantity would be 110,000 MMBtu. Northwest explains that it would receive natural gas for United Engine's account at various existing receipt points on its system in Colorado, Wyoming, Utah, and Washington and would redeliver the gas to the Reno Lateral delivery point at Northwest's interconnect with Paiute Pipeline Company in Owyhee County, Idaho.

Comment date: March 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

26. Natural Gas Pipeline Company

[Docket No. CP89–694–000]

February 3, 1989.

Take notice that on January 25, 1989, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP89–694–000 a request pursuant to §§ 157.205 and 284.223(b) of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on a firm basis for Texarkoma Transportation Company (Texarkoma), a marketer of natural gas, under its blanket certificate issued in Docket No. CP86–582–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Natural states that it proposes to transport natural gas for Texarkoma between receipt points in Oklahoma and Texas and delivery points in Illinois and Texas.

Natural further states that the maximum daily, average and annual quantities that it would transport for Texarkoma would be 6,000 MMBtu equivalent of natural gas (plus any additional volumes accepted pursuant to the overrun provisions of Natural's Rate Schedule FTS), 6,000 MMBtu equivalent of natural gas and 2,190,000 MMBtu equivalent of natural gas, respectively.

Natural indicates that in a filing made with the Commission on January 25, 1989, it reported that transportation service for Texarkoma had begun on December 1, 1988 under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: March 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

27. Northwest Pipeline Corporation

[Docket No. CP89–731–000]

February 3, 1989.

Take notice that on January 30, 1989, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP89–731–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas under its blanket certificate issued in Docket No. CP86–578–000 pursuant to section 7 of the Natural Gas Act for Questar Energy Company (Questar), all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest proposes to transport natural gas for Questar pursuant to a transportation agreement dated February 10, 1988. Northwest explains that service commenced December 1, 1988, under §§ 284.223(a) of the Commission's Regulations, as reported in Docket No. ST89–1568. Northwest further explains that the peak day quantity would be 80,000 MMBtu, the average daily quantity would be 10,000 MMBtu and that the annual quantity would be 3,650,000 MMBtu Northwest explains that it would receive natural gas for Questar's account at various receipt points on its system in Colorado, Oklahoma, Oregon, Wyoming, Utah, and Washington and would redeliver the gas to various delivery points on its system in Colorado, Idaho, New Mexico, Oklahoma, Oregon, Utah, and Washington.

Comment date: March 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

28. Algonquin Gas Transmission Company

[Docket No. CP88–187–001]

February 3, 1989.

Take notice that on January 17, 1989, Algonquin Gas Transmission Company ("Algonquin"), 1284 Soldiers Field Road, Boston, Massachusetts, filed pursuant to section 7(c) of the Natural Gas Act, the Rules and Regulations of the Federal Energy Regulatory Commission (Commission), and the Commission's "Order Finding Niagara Import Point Projects Discrete", issued January 12, 1989, at Docket No. CP87–451–017, *et al.*, an application for a certificate of public convenience and necessity authorizing the firm transportation by Algonquin of up to 62,000 MMBtu per day 22.6 bcf/yr for Northeast Energy Associates Limited Partnership ("Northeast") from points of receipt at Lambertville, New Jersey and Centerville, New Jersey to the site of cogeneration facility at Bellingham, Massachusetts (the "Northeast Project"), and the construction and operation of certain pipeline and appurtenant facilities needed to render this service. The initial term proposes is 25 years with the option to extend an additional 8 years, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

This amended application supersedes Algonquin's pending application at CP88–187–000 and modifies its pending application at CP88–186–000 insofar as that application involves facilities related to providing firm transportation to the Northeast Project. The amended service to Northeast will be designated as Rate Schedule X–35 and will be contained in Algonquin's FERC Gas

Tariff Original Volume No. 2. Algonquin proposers a monthly demand charge of $13.265 per MMBtu.

Algonquin states that it is seeking to amend its pending application at Docket No. CP88–187–000 to reflect a change in the anticipated service commencement date for the Northeast Project, to transfer its request for authorization(s) to construct and operate facilities related to the Northeast Project from Docket No. CP88–186–000 to this docket, and to modify the proposed facilities to reflect change in the proposed points of receipt into Algonquin's facilities following the Commission's "Order Finding Niagara Import Point Projects Discrete" issued on January 12, 1989 at CP87–451–017.

Algonquin states that the amended commencement date for the firm transportation service is January 1, 1991, rather than November 1, 1989.

Algonquin requests authorization to construct and operate certain facilities to render such service, including: 8.2 miles of 36-inch pipeline loop of Algonquin's mainline from Ramapo, New York to the Stony Point compressor station in Stony Point, New York; 2.0 miles of 36-inch pipeline loop of Algonquin's mainline from Mansfield to Chaplin, Connecticut; 5.5 miles of 24-inch pipeline loop of Algonquin's G–5 System from the G–1 System to the G–12 tap; 5.2 miles of 20-inch replacement pipeline on Algonquin's G–8 system from the G–9 tap to the G–11 tap; 4.9 miles of 12-inch pipeline loop of Algonquin's E–1 System from the E–3 tap to Salem Pike, Connecticut meter station; a new meter station at Bellingham, Massachusetts; and miscellaneous appurtenant facilities. The estimated cost of such facilities is $49,211,000. Algonquin proposes that construction costs and working capital will be financed with bank financing equal to 75 percent and equity contributions equal to 25 percent.

Comment date: February 24, 1989, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

29. Tennessee Gas Pipeline Company

[Docket No. CP88–171–001]

February 3, 1989.

Take notice that on January 17, 1989, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed an amendment to its application pursuant to section 7(c) of the Natural Gas Act requesting authority to provide firm natural gas transportation for seven shippers in an aggregate daily maximum quantity of 141,110 Dt and to construct and operate facilities to transport and deliver these and other quantities of natural gas, together with an application pursuant to Executive Order No. 10485 for an amended Presidential permit authorizing the construction, operation, maintenance, and connection of pipeline facilities at the International Boundary between the United States and Canada, all as more fully set forth in the amendment, which is on file with the Commission and open to public inspection.

Tennessee proposes to construct and operate the Niagara Spur Loop Line to accommodate the receipt and transportation by Tennessee, National Fuel Gas Supply Corporation (National), and PennEast Gas Services Company (PennEast) of proposed new imports at the Niagara import point on the U.S.-Canadian border. The Niagara Spur Loop Line, to be jointly owned by Tennessee, National, and PennEast, would consist of 49.2 miles of 30-inch pipeline extending from the Niagara import point to a point near Aurora, New York, 7,000 horsepower of compression, and metering and related facilities that would cost an estimated $65.5 million. The proposed facilities would increase capacity at the Niagara import point by 452,900 Mcf per day.

Tennessee also proposes to construct and operate the looping and compression required on its existing mainline system to transport Canadian and domestic gas supplies to seven new customers. These downstream facilities, estimated to cost $86.7 million, would consist of 54.7 miles of 30-inch pipeline, 8,100 horsepower of additional compression, and modifications and additions of measurement facilities.

The proposed facilities will be initially financed by Tennessee with funds on hand, funds generated internally, borrowings under revolving credit agreements, or short-term financing which will be rolled into permanent financing.

Tennessee proposes to utilize the increased capacity made available by the construction of the Niagara Spur Loop Line and downstream facilities to provide firm transportation services for seven shipper in an aggregate maximum daily quantity of 141,110 Dt. The shippers, quantities, receipt and delivery points are as follows:

Shipper	Maximum daily quantity (Dt/day)	Receipt point	Delivery point
1. Ocean State Power II	50,000	Niagara	Burrillville, RI.
2. Altresco Pittsfield, L.P	31,500	Niagara	North Adams, MA.
3. G.A.S. Orange Development, Inc	20,000	Niagara	Syracuse, NY.
4. Cogen Energy Technologies Inc	13,900	Niagara	Marilla, NY.
5. ANR Venture Springfield Company	7,430	Louisiana	Agawam, MA.
6. Flagg Energy Development Corp	4,140	Louisiana	New Britain/Bloomfield-CNG.
7. Capitol District Energy Center Cogeneration Associations	14,140	Ellisburg, PA, Interconnection with CNG Transmission Corp.	New Britain/Bloomfield-CNG.

Tennessee proposes to render the firm transportation services pursuant to proposed new Rate Schedule NET–EU, which provides for incremental rates to cover a portion of the incremental cost of service of the gas transportation project being proposed by Tennessee in this "Niagara Import Point Projects Settlement" and as part of the Iroquois-Tennessee Offer of Settlement.

Comment date: February 24, 1989, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

30. Texas Gas Transmission Corporation

[Docket No. CP89–721–000]

February 3, 1989.

Take notice that on January 30, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky, filed in Docket No. CP89–721–000 a request pursuant to §§ 157.205 and 284.223(2)(b) of the Commission's Regulations under the Natural Gas Act for authorization to provide transportation for System Supply for End-Users, Inc. (System Supply) under Texas Gas' blanket certificate issued in Docket No. CP86–686–000, pursuant to section 7 of the

Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Texas Gas requests authorization to transport, on an interruptible basis, up to a maximum of 30,000 MMBtu of natural gas per day for System Supply on Texas Gas' pipeline system. The receipt and delivery points are listed in Exhibits B and C of the November 7, 1988 transportation agreement which provides for this service, and on file with the Commission and open to public inspection. Texas Gas states that it anticipates transporting 20,000 MMBtu on an average day and 7,300,000 MMBtu on an annual basis. The ultimate consumer of the gas has been identified by System Supply as Lydall, Taylor Concrete, and North Country Concrete.

Texas Gas states that the transportation of natural gas for System Supply commenced on December 16, 1988, as reported in Docket No. ST89–1403–000, for a 120-day period pursuant to § 284.223(a)(1) of the Commission's Regulations and the blanket certificate issued to Texas Gas in Docket No. CP86–686–000. Texas Gas proposes to continue this service in accordance with §§ 284.221 and 284.223 of the Commission's Regulations.

Comment date: March 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

31. Natural Gas Pipeline Company of America

[Docket No. CP89–715–000]

February 3, 1989.

Take notice that on January 30, 1989, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP89–715–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide a firm transportation service for LTV Steel Company, Inc. (LTV), an end-user, under the blanket certificate issued in Docket No. CP86–582–000, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Natural states that pursuant to a transportation agreement dated December 15, 1988, under its Rate Schedule FTS, it proposes to transport for LTV up to 10,000 MMBtu per day equivalent of natural gas (plus any additional volumes accepted pursuant to the overrun provisions of Natural's Rate Schedule FTS). Natural states that it would receive the gas at existing receipt points in Louisiana, and that it would transport and deliver the gas in Illinois, Texas and on the border of Indiana and Illinois.

Natural advises that service under § 284.223(a) commenced January 1, 1989, as reported in Docket No. ST89–2036. Natural further advises that it would transport 10,000 MMBtu on an average day and 3,650,000 MMBtu annually.

Comment date: March 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

32. Northwest Pipeline Corporation

[Docket No. CP89–732–000]

February 3, 1989.

Take notice that on January 30, 1989, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP89–732–000 a request pursuant to § 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to provide a transportation service for the account of Oregon Steel Mills, Inc. (Oregon Steel), an end user of natural gas, under Northwest's blanket certificate issued in Docket No. CP86–578–000 pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Northwest states that pursuant to a transportation agreement dated November 28, 1988, as amended December 5, 1988, under Rate Schedule TI–1, it proposes to transport, on an interruptible basis, up to 7,000 MMBtu equivalent per day of natural gas for Oregon Steel from any receipt point on Northwest's system to any delivery point on Northwest's system. Northwest also states that no construction of new facilities will be required to provide this transportation service. Northwest further states that the peak day, average day, and annual transportation quantities would be approximately 7,000 MMBtu equivalent of natural gas, 5,000 MMBtu equivalent of Natural gas and 1,800,000 MMBtu equivalent of Natural gas, respectively. Northwest advises that service under § 284.223(a) commenced December 7, 1988, as reported in Docket No. ST87–1618 (filed January 6, 1989).

Comment date: March 20, 1989, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 89–3258 Filed 2–10–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CS72-1100 et al.]

Diane J. Paich (Laina Mabel Saari and Reino R. Saari) et al.; Applications for Small Producer Certificates [1]

February 8, 1989.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the Commission's Regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before February 23, 1989, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

Docket No.	Date filed	Applicant
CS72-1100	[1] 12-12-88	Diane J. Paich (Laina Mabel Saari and Reino R. Saari) 6283 Roslin Ct. Pleasanton, CA 94566.
CS73-547	[2] 12-2-88	Crouch Petroleum Company (Executive Properties, Inc.) 1715 West 58th Street, Amarillo, TX 79110-5401.
CS76-135-001	[3] [4] 1-30-89	Grand Isle Corporation and Estate of John Dabney Murchison, deceased (The Royal Gorge Company of Texas) c/o Kathleen A. Berry, Esq., 8300 Douglas, Suite 800, Dallas, TX 75225.
CS89-13-000	12-22-88	Zeit Exploration Co., Inc., 6438 Memphis Street, New Orleans, LA 70124.
CS89-14-000	[5] 1-10-89	Sammy Max Black, 2402 Fairview, Midland, TX 79705.
CS89-15-000	1-3-89	Roma Oil & Gas, 8023 Vantage Drive, Suite 1100, San Antonio, TX 78230.
CS89-16-000	1-4-89	Carl R. Pfluger Estate, *et al.*,[6] 2133 Office Park Drive, San Angelo, TX 76904.
CS89-17-000	1-9-89	Beresco Properties Inc., 970 Fourth Financial Center, Wichita, KS 67202.
CS89-18-000	1-23-89	Flash Gas & Oil Southwest, Inc., P.O. Box 231, Mandeville, LA 70470-0231.
CS89-19-000	1-23-89	Hodgden Energy Co., Inc., P.O. Box 3485, Enid, OK 73702.

[1] By letter dated December 6, 1988, Applicant states that Laina Mabel Saari and Reino R. Saari are deceased, and requests that the small producer certificate issued in Docket No. CS72-1100 be redesignated in the name of their sole heir, Diane J. Paich.

[2] By letter dated November 29, 1988, Applicant states that the company name has been changed to Crouch Petroleum Company and requests that the small producer certificate issued to Executive Properties, Inc., in Docket No. CS73-547 be redesignated under the name Crouch Petroleum Company.

[3] Application received January 24, 1989. Filing date is date of receipt of filing fee.

[4] By letter dated January 11, 1989, Applicant states that John Dabney Murchison, owner of 100% of the stock of The Royal Gorge Company of Texas (Royal Gorge), died on June 14, 1979. On May 31, 1985, in order to effectuate the orderly distribution of Mr. Murchison's estate to his family, the assets of Royal Gorge were assigned to the Estate of John Dabney Murchison, deceased, and Royal Gorge was simultaneously dissolved. Pursuant to Mr. Murchison's will, on August 30, 1985, the estate of Mr. Murchison distributed its intersts in Grand Isle Block 76, Offshore Louisiana, to Mr. Murchison's widow, Lucille G. Murchison, who, in turn, on December 31, 1986, conveyed such interest to Grand Isle Corporation, her wholly owned S corporation. Applicant states that pending the completion of ancillary probate proceedings in Louisiana, the Estate of John Dabney Murchison holds the interests in West Delta Blocks 133 and 134, Offshore Louisiana, for the benefit of a testamentary trust for Mr. Murchison's daughter, Virginia Lucille Murchison. Applicant states that legal title to the jurisdictional gas properties once owned by Royal Gorge is now held by Grand Isle Corporation and the Estate of John Dabney Murchison. Applicant requests that the small producer certificate issued to Royal Gorge in Docket No. CS76-135 be redesignated in the names of Grand Isle Corporation and the Estate of John Dabney Murchison, deceased.

[5] Application received December 27, 1988. Filing date is date of receipt of filing fee.

[6] The *et al.* parties are:

William Carl Pfluger, Trustee of the William Carl Pfuger Children's Trust, under the will of Carl R. Pfluger; A. Lee Pfluger, Trustee of the A. Lee Pfluger Children's Trust, under the will of Carl R. Pfluger; William Carl Pfluger; Addison Lee Pfluger, a/k/a A. Lee Pfluger; Karen O'Brien Pfluger; Margaret Morgan Pfluger, a/k/a Meg Morgan Pfluger; Michael Carl Pfluger; William Reid Pfluger; Elizabeth Lou Pfluger; Amy Lin Pfluger; William C. Pfluger, Trustee of the Lee Pfluger Children's Trust; Addison Lee Pfluger, Trustee of the Pfluger Children Trust; William Carl Pfluger, Trustee of Elizabeth Lou Pfluger Trust; William Carl Pfluger, Trustee of the Amy Lin Pfluger Trust; Addison Lee Pfluger, Trustee of the Michael Carl Pfluger Trust; Addison Lee Pfluger, Trustee of the William Reid Pfluger Trust; Karen O'Brien Pfluger, Trustee of the Michael Carl Pfluger Trust under the will of S. D. O'Brien; Lee Pfluger, Trustee; and William Carl Pfluger, Trustee.

[FR Doc. 89-3264 Filed 2-10-89; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TM89-1-20-001]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

February 6, 1989.

Take notice that Algonquin Gas Transmission Company (Algonquin") on January 30, 1989, tendered for filing proposed changes in its FERC Gas Tariff, Second Revised Volume No. 1 as set forth in the revised tariff sheets:

Proposed to be effective March 1, 1989

Substitute Thirtieth Revised Sheet No. 201
Alternate Substitute Thirtieth Revised Sheet No. 201

Algonquin states that pursuant to section 17 of the General Terms and Conditions of its FERC Gas Tariff and as permitted by the Commission's regulations under § 154.305(c)(4) it is filing to revise its current adjustments from those which were filed in Algonquin's Annual Purchased ("Annual PGA") on January 3, 1989 in Docket No. TA89-1-20-000.

Algonquin states that on December 29, 1988, in Docket No. TA89-1-17 *et. al.*, Algonquin's pipeline supplier, Texas Eastern Transmission Corporation ("Texas Eastern") filed to revise the current adjustments of its Annual PGA. In its filing, Texas Eastern included Primary and Alternate revised rate sheets, for reasons more fully set forth in Texas Eastern's filing. Accordingly, Algonquin is filing Primary and Alternate rate sheets entitled, Substitute Thirtieth Revised Sheet No. 201 ("Primary") and Alternate Substitute Thirtieth Revised Sheet No. 201 ("Alternate") to reflect the changes in purchased gas costs underlying Algonquin's Rate Schedules F-1, WS-1, I-1 and E-1.

Furthermore, Algonquin states that the rate changes reflected in the Primary and Alternate sheets represent projected increases in Algonquin's purchased gas costs of approximately $7.7 and $7.2 million, respectively, for the three month period beginning March 1, 1989 for Rate Schedules F-1, WS-1 and I-1.

Algonquin notes that copies of this filing were served upon the affected

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

parties and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before February 13, 1989. Protest will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-3259 Filed 2-10-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-45-002]

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

February 8, 1988

Take notice that ANR Pipeline Company ("ANR") on February 3, 1989 tendered for filing with the Federal Energy Regulatory Commission ("Commission") as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets:

Substitute Original Sheet No. 88
Substitute Original Sheet No. 89
Substitute Original Sheet No. 90
Substitute First Revised Sheet No. 116
Substitute Original Sheet No. 117

ANR states that the above referenced tariff sheets are being filed in compliance with Ordering Paragraph (D) of the Commission's "Order Accepting for Filing and Suspending Tariff Sheets, Subject to Refund and Condition and Establishing Hearing Procedures" issued January 13, 1989 in Docket No. RP89-45-000.

ANR has requested that the Commission accept the tariff sheets to become effective on January 4, 1989.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Such protests or motions must be filed by February 16, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspeciton.

Lois D. Cashell,

Secretary.

[FR Doc. 89-3326 Filed 2-10-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA89-1-31-000 and RP89-62-000]

Arkla Energy Resources; Filing of Revised Tariff Sheets Reflecting Tariff Adjustment and Take-or-Pay Recovery

February 7, 1989

Take notice that on February 3, 1989, Arkla Energy Resources (AER), a division of Arkla, Inc., tendered for filing the following tariff sheets bearing a proposed effective date of April 1, 1989:

(1) *Docket No. TA89-1-31 Annual PGA effective April 1, 1989*
Rate Schedule No. X-26
Original volume No. 3
Rate Schedule G-2
First Revised Volume No. 1
(a) Tariff sheets reflecting regular PGA adjustments
3rd Revised Sheet No. 185.1
50th Revised Sheet No. 4
(b) Alternate tariff sheet—PGA adjustment
Alternate 3rd Rev. Sheet 185.1
Original Sheet No. 185.4
Alternate 50th Rev. Sheet No. 4
Original Sheet No. 4.3
(2) *Docket No. RP89-62-000 Tariff Sheets reflecting Take-or-Pay Costs*
Original Sheet No. 185.3
Original Sheet No. 4.2

AER states the primary tariff sheets filed in Docket No. TA89-1-31 reflect its regular annual PGA adjustment pursuant to the Commission's transitional rules of Order Nos. 483 and 483-a.

AER states the proposed changes would increase its sysem cost of gas by $60,641 and the cost of gas underlying AER's jurisdictional sales by $1,147 for the PGA period of April, May and June 1989 as adjusted.

AER states the alternate tariff sheets filed in Docket No. TA89-1-31 reflect a revised annual PGA adjustment designed to allocate to AER's customers accrued costs that were eliminated from AER's rates prior to June 1, 1988. These costs will be directly billed to AER's customers over a 36-month period if the alternate tariff sheets are accepted as AER advocates.

AER states the tariff sheets filed in Docket No. RP89-62 reflect the allocation to AER's jurisdictional customers of take-or-pay demand costs which were billed to AER by Texas Gas Transmission Corporation pursuant to Commission order in Docket No. RP88-177.

Any person desiring to be heard or to protest said filing should file a motion to interven or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with sections 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 27, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-3269 Filed 2-10-89; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2306 Vermont]

Citizens Utilities Co.; Intent to File an Application For a New License

February 8, 1989.

Take notice that on December 27, 1988, Citizens Utilities Company, the existing licensee for the Clyde River Hydroelectric Project No. 2306, filed a notice of intent to file an application for a new license, pursuant to section 15(b)(1) of the Federal Power Act (Act), 16 U.S.C. 808, as amended by section 4 of the Electric Consumers Protection Act of 1986, Pub. L. 99-495. The original license for Project No. 2306 was issued effective June 1, 1956, and expires December 31, 1993.

The project is located on the Clyde River in Orleans County, Vermont. The principal works of the Clyde River Project include Seymour Dam of rock & concrete construction; Echo Dam of concrete ogee; West Charleston Dam of rock fill & masonry-concrete facing and a penstock to a powerhouse with installed capacity of 800 kW; Newport Dam of masonry-concrete facing and penstocks to a powerhouse with installed capacity of 3,600 kW; Newport Unit No. 11 Dam of concrete gravity with an open flume and penstocks to a powerhouse with installed capacity of 1,600 kW; transmission line connections; and appurtenant facilities.

Pursuant to section 15(b)(2) of the Act, the licensee is required to make available certain information described in Docket No. RM87-7-000, Order No. 496 (Final Rule issued April 28, 1988). A copy of this Docket can be obtained from the Commission's Public Reference Branch, Room 1000, 825 North Capitol Street, NE., Washington, DC 20426. The above information as described in the rule is now available from the licensee at Administrative Offices, High Ridge Park, Stamford, CT 06905, Attn: Mr. Douglas C. Anderson, telephone (203) 329-5193.

Pursuant to section 15(c)(1) of the Act each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 89-3271 Filed 2-10-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-217-009]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

February 8, 1989.

Take notice that CNG Transmission Corporation ("CNG"), on February 1, 1989, pursuant to section 4 of the Natural Gas Act, the Commission's September 30, 1988, August 12, 1988, November 4, 1988 and December 28, 1988 orders in this docket, the Commission's January 18, 1989, Notice of Extension of Time, and § 12.9 of the General Terms and Conditions of CNG's tariff, filed the following revised tariff sheets to Original Volume No. 1 of its FERC Gas Tariff:

First Revised Sheet No. 49.
Substitute Original Sheet Nos. 46, 47 and 49.
Substitute First Revised Sheet Nos. 40, 41, 42, 43, 44, 45, 46, 47 and 48.
Substitute Second Revised Sheet Nos. 40, 41, and 42.
Second Substitute Original Sheet No. 48.
Second Revised Sheet Nos. 44, 45 and 48.
Third Revised Sheet No. 40.

CNG states the effective dates of the substitute tariff sheets are August 1, 1988, September 1, 1988 and December 1, 1988. The proposed effective date of First Revised Sheet No. 49, Second Revised Sheet Nos. 44, 45 and 48, and Third Revised Sheet No. 40 is February 1, 1989. The purpose of the filing is to reflect the Commission's orders in this proceeding that require CNG to reallocate a portion of North Penn Gas Company's liability to Corning Natural Gas Corporation and to change CNG's take-or-pay passthrough provisions to reflect modifications and additions to Order No. 500 buyout and buydown costs that have been made recently by CNG's pipeline suppliers.

Copies of the filing were served upon CNG's sales customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR Sections 385.214 and 385.211. All motions or protests should be filed on or before February 15, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-3327 Filed 2-10-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-4-21-000]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

February 7, 1989.

Take notice that Columbia Gas Transmission Corporation (Columbia) on February 3, 1989, tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1, to be effective March 1, 1989:

One hundred and thirty-third Revised Sheet No. 16
Twenty-first Revised Sheet No. 16A2
Thirty-eighth Revised Sheet No. 64A

Columbia states that the sales rates set forth on One hundrd and thirty-third Revised Sheet No. 16 reflect an overall decrease of 7.19¢ per Dth in the Commodity rate, and decreases of $.217 per Dth in the Demand-1 rate and 3.08¢ per Dth in the Demand-2 rate. In addition, the transportation rates set forth on Twenty-first Revised Sheet No. 16A2 reflect a decrease in the Fuel Charge component of .19¢ per Dth.

Columbia states that the purpose of the revised tariff sheets is to (i) implement an out of cycle Purchased Gas Coast Adjustment filing to be effective as of March 1, 1989, and (ii) eliminate on March 1, 1989, the currently effective twelve-month surcharges placed into effect on March 1, 1988, in accordance with the Federal Energy Regulatory Commission's February 26, 1988 order in Docket No. TA88-2-21-000. The rates reflected in the instant filing are proposed to be in effect until May 1, 1989, at which time Columbia's annual PGA filing is scheduled to become effective.

Copies of the filing were served upon the Company's jurisdictional customers and intrested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Enegy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before February 15, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-3166 Filed 2-10-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-3-21-001]

Columbia Gas Transmission Corp.; Proposed Changes in FERC Gas Tariff

February 7, 1989.

Take notice that Columbia Gas Transmission Corporation (Columbia) on February 3, 1989, tendered for filing the following proposed changes to its FERC Gas Tariff, Original Volume No. 1, to become effective on February 1, 1989:

Substitute One Hundred and thirty-second Revised Sheet No. 16
Substitute Twentieth Revised Sheet No. 16A2
Substitute Thirty-seventh Revised Sheet No. 64A

Columbia states the foregoing tariff sheets are being filed in compliance with the Commission's order issued January 31, 1989 in Docket No. TQ89-3-

21–000. Such order directed Columbia to refile its PGA tariff sheets to be effective February 1, 1989 to reflect the rates set forth on Alternate Second Substitute Eleventh Revised Sheet No. 50 contained in Texas Eastern Transmission Corporation's December 30, 1988 filing.

Columbia indicates that when compared to the rates contained in Columbia's PGA filing of December 30, 1988, the revised rates set forth on Substitute One hundred and thirty-second Revised Sheet No. 16 reflect an overall increase of .89¢ per Dth in the Commodity sales rate, an overall decrease of $.036 per Dth in the Demand-1 sales rate, and an increase of .12¢ per Dth in the Demand-2 sales rates. In addition, the transportation rates set forth on Substitute Twentieth Revised Sheet No. 16A2 reflect an increase in the Fuel Charge component of .03¢ per Dth.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before January 15, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filings are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89–3267 Filed 2–10–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ89–2–24–000]

Equitrans, Inc.; Proposed Change in FERC Gas Tariff

February 6, 1989.

Take notice that Equitrans, Inc. (Equitrans) on January 31, 1989, tendered for filing with the Federal Energy Regulatory Commission (Commission) the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1, to become effective March 1, 1989.

Sixth Revised Sheet No. 10
Sixth Revised Sheet No. 14

Equitrans states that the filing is made pursuant to §§ 154.308 and 154.304 of the Commission's Regulations and is in conformity to the provisions of Order 483, as amended.

Equitrans states that the change in rates results from the application of the Purchased Gas Cost Adjustment provision in Section 19 of its General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 1.

Equitrans states the current purchased gas adjustment to Rate Schedule PLS is an increase of $.1667 per dekatherm (dth). This change results in a current estimated average cost of gas in this filing of $2.4918 per dth and a Total Commodity Charge of $2.9296 per dth, including GRI and ACA.

Equitrans states the current adjustment to D(1) Purchased Gas Costs for Rate Schedule PLS reflects a decrease of $.0887 per dth for an overall D(1) demand cost of $2.8672 per dth.

Equitrans states the current adjustment to D(2) Purchased Gas Costs for Rate Schedule PLS reflects an increase of $.0006 per dth for an overall D(2) demand cost of $.0727 per dth.

Equitrans states the current purchased gas adjustment to Rate Schedule GS–1 is an increase of $.3406 per dth. This change results in a current estimated average cost of gas in this filing of $2.9218 per dth and a Total Commodity Charge of $3.1245 per dth, including GRI and ACA.

Equitrans states that a copy of its filing has been served upon its purchasers, interested state commissions, and upon each party on the service list of Docket CP86–676–000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 204206, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. All such motions to intervene or protests should be filed on or before February 13, 1989.

Lois D. Cashell,

Secretary.

[FR Doc. 89–3260 Filed 2–10–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. TQ89–3–4–000 and TM89–4–4–000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates and Tariff Provisions

February 8, 1989.

Take notice that on February 1, 1989, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021, tendered for filing with the Commission, the revised tariff sheets listed below in its FERC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2 containing changes in rates and other tariff provisions for effectiveness on January 1, 1989 and February 1, 1989:

1. *Purchased Gas Cost Adjustment for Effectiveness February 1, 1989*

First Revised Volume No. 1

Twenty-Fourth Revised Sheet No. 7

2. *Tracking Adjustments*

A. For Effectiveness January 1, 1989

First Revised Volume No. 1

Second Substitute Seventeenth Revised Sheet No. 8

Original Volume No. 2

Eighth Revised Sheet No. 17
Tenth Revised Sheet No. 27

B. For Effectiveness February 1, 1989

First Revised Volume No. 1

Ninth Revised Sheet No. 7–A
Eighteenth Revised Sheet No. 8

Original Volume No. 2

First Revised Sheet No. 5
Second Revised Sheet No. 14
Ninth Revised Sheet No. 17
Second Revised Sheet No. 24
Eleventh Revised Sheet No. 27
First Revised Sheet No. 34
First Revised Sheet No. 35
Second Revised Sheet No. 36
First Revised Sheet No. 37
First Revised Sheet No. 38
Original Sheet No. 38–A

According to Granite State, the revised rates and other tariff changes are applicable to jurisdictional services rendered to its two affiliated distribution company customers: Bay State Gas Company and Northern Utilities, Inc. It is said that the revised rates and other tariff changes reflect two developments: (1) Changes in suppliers' rates for gas purchases that have occurred since Granite State's last purchased gas cost adjustment that will be applicable for the remainder of the first quarter of 1989, and changes that will be effective February 1, 1989; and

(2) changes in suppliers' storage and transportation rates, plus changes in the fuel use retention percentages in suppliers' transportation rate schedules that Granite State is authorized to track.

According to Granite State copies of its filing were served upon its customers, Bay State and Northern Utilities, and the regulatory commissions of the States of Maine, Massachusetts, and New Hampshire.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 15, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-3332 Filed 2-10-89; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2423 New Hampshire]

James River—New Hampshire Electric Inc., Intent to Filed an Application for a New License

February 8, 1989

Take notice that on December 28, 1988, James River—New Hampshire Electric, Inc., the existing licensee for the Riverside Hydroelectric Project No. 2423, filed a notice of intent to file an application for a new license, pursuant to section 15(b)(1) of the Federal Power Act (Act), 16 U.S.C. 808, as amended by section 4 of the Electric Consumers Protection Act of 1986, Public Law 99-495. The original license for Project No. 2423 was issued effective July 1, 1958, and expires December 31, 1993.

The project is located on the Androscoggin River in Coos County, New Hampshire. The principal works of the Riverside Project include a rock-filled, timber-crib and concrete dam; a reservoir of 10 acres; a gatehouse and two 13-foot-diameter penstocks; a powerhouse with an installed capacity of 7,600 kW; transformer and transmission line connections; and appurtenant facilities.

Pursuant to section 15(b)(2) of the Act, the licensee is required to make available certain information described in Docket No. RM87-7-000, Order No. 496 (Final Rule issued April 28, 1988). A copy of this Docket can be obtained from the Commission's Public Reference Branch, Room 1000, 825 North Capitol Street, NE., Washington, DC 20426. The above information as described in the rule is now available from the licensee at 650 Main Street, Berlin, NH 03570-2489, Attn: Mr. David L. Dunham, telephone (603) 752-4600.

Pursuant to section 15(c)(1) of the Act, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 89-3272 Filed 2-10-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-61-000]

Kentucky West Virginia Gas Co.; Proposed Changes in FERC Gas Tariff

February 6, 1989.

Take notice that on January 31, 1989, Kentucky West Virginia Gas Company ("Kentucky West") tendered for filing proposed changes to the following tariff sheets of its FERC Gas Tariff, Second Revised Volume No. 1:

First Revised Sheet No. 4
Superseding Original Sheet No. 4
Second Revised Sheet No. 5
Superseding First Revised Sheet No. 5
First Revised Sheet No. 9
Superseding Original Sheet No. 9
First Revised Sheet No. 11
Superseding Original Sheet No. 11
First Revised Sheet No. 12
Superseding Original Sheet No. 12
First Revised Sheet No. 14
Superseding Original Sheet No. 14
First Revised Sheet No. 15
Superseding Original Sheet No. 15
Ninth Revised Sheet No. 41
Superseding Eighth Revised Sheet No. 41
First Revised Sheet No. 42
Superseding Original Sheet No. 42
First Revised Sheet No. 43
Superseding Original Sheet No. 43

Kentucky West states these tariff changes are filed pursuant to §§ 154.303(e) and 154.63 of the Commission's Regulations and establish new base tariff rates to be effective March 2, 1989, based upon actual costs for the base period ended October 31, 1989, adjusted only for changes occurring in that period.

Based on the actual volumes during such period, adjusted only for known changes occurring within that period, the new base tariff rates will result in an approximate $5 million (8%) increase in jurisdictional sales and transportation revenues. Those costs reflect increased investment and operating expenses, an overall rate of return of 12.74% and a rate of return for common equity capital of 15%.

Kentucky West states the new base tariff rates utilize the *Atlantic Seaboard* allocation and rate design methodology used on the Kentucky West system. While Kentucky West's presently filed rates, which are in effect subject to Commission decision in Docket Nos. RP86-52-000, *et al.*, reflect the modified fixed variable methodology, this matter is at issue in those proceedings. There, Kentucky West is supporting the continuation of the historical *Atlantic Seaboard* methodology which involves the development of a one-part, straight rate for Rate Schedule PLS-1 and a minimum commodity bill related to the fixed charges applicable to that rate schedule. The tariff sheets filed by Kentucky West reflect those tariff provisions. The new base rate for Rate Schedule GSS-1 also continues to be determined as a straight volumetric rate.

Kentucky West states the new base tariff rates are to be effective March 2, 1989, subject to refund pursuant to the requirements of § 154.303(e)(1)(i) of the Commission's Regulations.

Kentucky West states that by its filing, or any request or statement made therein, Kentucky West does not waive any rights to collect amounts, nor the right to collect interest or carrying charges applicable thereto, to which it is entitled pursuant to the mandate of the United States Court of Appeals for the Fifth Circuit issued on March 6, 1986, in *Kentucky West Virginia Gas Company* v. *FERC*, 780 F.2d 1231 (5th Cir. 1986), or to which it becomes entitled pursuant to a final order in the proceedings initiated by Commission order of January 13, 1989, in Docket Nos. TQ089-1-46, *et al.*, or to which it becomes entitled pursuant to any other judicial and/or administrative decision.

Kentucky West further states that copies of its filing have been served upon each of its customers and the Public Service Commissions of Kentucky, Pennsylvania and West Virginia.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825

North Capitol Street, N.E., Washington, DC 20426, in accordance with sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 13, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-3261 Filed 2-10-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA89-2-5-000]

Midwestern Gas Transmission Co.; Rate Filing Pursuant to Tariff Rate Adjustment Provisions

February 8, 1989.

Taken notice that on January 31, 1989, Midwestern Gas Transmission Company (Midwestern) filed the following revised tariff sheets to Original Volume No. 1 of its FERC Gas Tariff to be effective April 1, 1989:

Forty-Seventh Revised Sheet No. 5

Midwestern states that the purpose of this revision is to institute the Annual PGA pursuant to sections 22.2 and 22.3 of the General Terms and Conditions of Midwestern's Tariff.

Midwestern states that the Current Purchased Gas Cost Rate Adjustments reflected on Revised No. 5 consist of $.0347 per dekatherm adjustment to the gas rate, $.0927 per dekatherm adjustment to Rate Schedule SR-1, $.91 per dekatherm applicable to the D1 component of the demand rates and a $.0179 per dekatherm adjustment to the D2 component.

Midwestern states that the revisions also reflect a $.0177 per dekatherm surcharge adjustment to the gas rates and $(.55) per dekatherm surcharge adjustment to the demand D1 rate and $.0186 per dekatherm surcharge to the demand D2 rate for amortizing the Unrecovered Gas Cost Account.

Midwestern states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before February 28, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene; provided, however, that any person who had previously filed a motion to intervene in this proceeding is not required to file a further motion. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-3331 Filed 2-10-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-117-006]

Northern Natural Gas Co., Division of Enron Corp.; Compliance with Order Nos. 483 and 483-A

February 8, 1989.

Take notice that on January 31, 1989, Northern Natural Gas Company, Division of Enron Corp. (Northern), tendered for filing, as part of Northern's F.E.R.C. Gas Tariff, Third Revised Volume No. 1 (Volume 1 Tariff) and Original Volume No. 2 (Volume 2 Tariff), the following tariff sheets to become effective January 1, 1989:

Third Revised Volume No. 1

Seventh Revised Sheet No. 65
Substitute Fifth Revised Sheet No. 66
Substitute Seventh Revised Sheet No. 67
Substitute Sixth Revised Sheet No. 68
Substitute Ninth Revised Sheet No. 69
Substitute First Revised Sheet No. 69a
Substitute Eighth Revised Sheet No. 70
Substitute Fourth Revised Sheet No. 70a
Third Revised Sheet No. 70b
Substitute Fifth Revised Sheet No. 70c

Original Volume No. 2

Substitute Fifth Revised Sheet No. 1d
Substitute Fifth Revised Sheet No. 1e
Substitute Sixth Revised Sheet No. 1f
Substitute Eighth Revised Sheet No. 1g
Substitute Sixth Revised Sheet No. 1h
Substitute Sixth Revised Sheet No. 1i
Substitute Second Revised Sheet No. 1i.1
Fifth Revised Sheet No. 1i.2
First Substitute Original Sheet No. 1i.2a

Northern states such tariff sheets are required in compliance with the Letter Orders dated September 29, 1988, and November 18, 1988, respectively, in order that Northern's tariff will be in conformance with Order Nos. 483 and 483-A.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 15, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-3329 Filed 2-10-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-227-008]

Paiute Pipeline Co.; Change in FERC Gas Tariff

February 8, 1989.

Take notice that on January 31, 1989, Paiute Pipeline Company (Paiute) tendered for filing changes to its FERC Gas Tariff to be effective February 1, 1989. Paiute states that the purpose of the filing is to move, pursuant to section 4(e) of the Natural Gas Act and § 154.67(a) of the Commission's regulations, to place rates and tariffs into effect which have been filed and accepted, or which are being modified herein, or are pending Commission acceptance, in connection with Paiute's request for general rate relief in the above captioned proceeding. Paiute has requested that the Commission grant any waivers of the Commission's regulations necessary to permit this filing to become effective as proposed.

Paiute states that in accordance with the Commission's August 31, 1988 suspension order in this proceeding, Paiute submitted compliance filings on September 30, 1988 and December 16, 1988 at Docket Nos. RP88-227-002, CP87-309-004 and RP88-227-005, which proposed revisions to Paiute's Volume Nos. 1 and 1-A tariffs. In addition, Paiute has pending before the Commission a tariff filing submitted on December 16, 1988 in Docket Nos. CP87-309-006 and RP88-208-002 and a quarterly PGA filing submitted on December 30, 1988 in Docket No. TQ89-1-41-000, all of which, assuming they

are accepted by the Commission, necessitate changes to the Volume Nos. 1 and 1–A tariff sheets originally filed in this proceeding. The proposed tariff sheets reflect all necessary changes to Paiute's Volume Nos. 1 and 1–A tariffs from Paiute's previously approved tariff sheets.

Paiute further states that during informal conferences in this docket, certain of Paiute's firm customers expressed opposition to Paiute's proposed seasonal rate structure. As an alternative to placing into effect the rates originally filed in this proceeding, which reflect a winter/summer seasonal rate design, Paiute is also tendering certain alternate rate tariff sheets which reflect elimination of certain of the seasonal rate design. Paiute asserts that the rates reflected on its proposed alternate rate tariff sheets are based upon the identical costs that underlie the rates originally proposed in this proceeding, as revised, and which would otherwise be placed into effect, by its section 4(e) motion. Such alternate rate tariff sheets would become effective on February 1, 1989 in lieu of their counterparts if so authorized by the Commission.

Paiute states that copies of this filing have been mailed to all parties of record and interested state commission's in the above captioned proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426 in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before February 15, 1989. Protests will be considered by the Commisson in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Louis D. Cashell,

Secretary.

[FR Doc. 89–3328 Filed 2–10–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP86–492–003]

Moraine Pipeline Co.; Compliance Filing

February 7, 1989.

Take notice that on January 30, 1989, Moraine Pipeline Company (Moraine) tendered for filing its FERC Gas Tariff, Original Volume No. 1 to be effective August 25, 1988.

Moraine states that the tariff was submitted in compliance with the Commission's Order issued February 2, 1988 and December 19, 1988, at Docket Nos. CP86–492–000, *et al.* The tariff sheets set forth the rates, terms and conditions for Moraine to provide full open access transportation pursuant to Order Nos. 436/500 and the Commission's Regulations. The submission was without prejudice to Moraine's right to appeal orders issued in Docket Nos. CP86–492 and CP86–494 or to any position Moraine may take in further proceedings in such dockets, including Moraine's Appeal of Staff Action filed January 18, 1989 concerning the rejection of the two-part rate under Rate Schedule FTS.

Moraine states it submitted an amendment to the gas transportation agreement dated May 8, 1986 between Wisconsin Natural Gas Company and Moraine to comply with the previously mentioned orders.

Moraine requested waiver of the Commission's Regulations to the extent necessary to permit its FERC Gas Tariff. Original Volume No. 1, to become effective August 25, 1988, the date Moraine filed its acceptance of the certificate authority issued to it in Docket Nos. CP86–492 and CP86–494.

A copy of the filing is being mailed to all parties set out on the official service list at Docket Nos. CP86–492 and CP86–494 and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, accordance with §§ 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before February 15, 1989. Protest will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89–3268 Filed 2–10–89; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2554 New York]

Moreau Manufacturing Corp.; Intent To File an Application for a New License

February 8, 1989.

Take notice that on December 28, 1988, Moreau Manufacturing Corporation, the existing licensee for the Feeder Dam Hydroelectric Project No. 2554, filed a notice of intent to file an application for a new license, pursuant to section 15(b)(1) of the Federal Power Act (Act), 16 U.S.C. 808, as amended by sec. 4 of the Electric Consumers Protection Act of 1986, Pub. L. 99–495. The original license for Project No. 2554 was issued effective April 1, 1949, and expires December 31, 1993.

The project is located on the Hudson River in Saratoga and Warren Counties, New York. The principal works of Feeder Dam Project located near the southwest end of the New York State Feeder Dam, include headgates, forebay and closed flume; a powerhouse with an installed capacity of 6,000 kW; a connection to a Niagara Mohawk Power Corporation transmission line; and appurtenant facilities.

Pursuant to section 15(b)(2) of the Act, the licensee is required to make available certain information described in Docket No. RM 87–7–000, Order No. 496 (Final Rule issued April 28, 1988). A copy of this Docket can be obtained from the Commission's Public Reference Branch, Room 1000, 825 North Capitol Street NE; Washington, DC 20426. The above information as described in the rule is now available from the licensee at HYDRA–CO Enterprises, Inc., 100 Clinton Square, Suite 400, Syracuse, NY 13202–1049, Attn: Mr. John M. Cordes.

Pursuant to section 15(c)(1) of the Act, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 89–3273 Filed 2–10–89; 8:45 am]

BILLING CODE 6717–01–M

[Project No. 2616 New York]

Niagara Mohawk Power Corp.; Intent To File an Application for a New License

February 8, 1989.

Take notice on December 28, 1988, Niagara Mohawk Power Corporation, the existing licensee for th Hoosic River

Hydroelectric Project No. 2616, filed a notice of intent to file an application for a new license, pursuant to section 15(b)(1) of the Federal Power Act (Act), 16 U.S.C. 808, as amended by section 4 of the Electric Consumers Protection Act of 1986, Pub. L. 99-495. The original license for Project No. 2616 was issued effective May 1, 1965, and expires December 31, 1993.

The project is located on the Hoosic River in Saratoga County, New York. The principal works of Hoosic River Project include the Johnsonville Unit with a concrete dam, a reservoir of 211 acres, and a powerhouse with installed capacity of 4,800 kW; the Schaghticoke Unit with a concrete dam, a reservoir of 150 acres, an open canal, steel pipeline, surge tank, three steel penstocks, and a powerhouse with installed capacity of 13,120 kW; transmission line connections; and appurtenant facilities.

Pursuant to section 15(b)(2) of the Act, the licensee is required to make available certain information described in Docket No. RM87-7-000, Order No. 496 (Final Rule issued April 28, 1988). A copy of this Docket can be obtained from the Commission's Public Reference Branch, Room 1000, 825 North Capitol Street NE., Washington, DC 20426. The above information as described in the rule is now available from the licensee at 300 Erie Boulevard West, Building A-1, Syracuse, NY 13202, Attn: Barbara J. Raymond, telephone: (315) 428-6353.

Pursuant to section 15(c)(1) of the Act, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by December 31, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 89-3274 Filed 2-10-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA89-1-37-000]

Northwest Pipeline Corp.; Proposed Change in Sales Rates Pursuant To Purchase Gas Cost Adjustment

February 6, 1989.

Take notice that on January 31, 1989, Northwest Pipeline Corporation ("Northwest") submitted for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision ("PGA"), of its FERC Gas Tariff, First Revised Volume No. 1. Such change in rates is for the purpose of (1) reflecting changes in Northwest's estimated cost of purchased gas; and (2) reflecting the change in unrecovered purchased gas costs since Northwest's PGA filing dated February 16, 1988.

Northwest states that this current adjustment aggregates to a decrease of 19.01¢ per MMBtu in the commodity rate for all rate schedules affected by and subject to the PGA. The proposed change in Northwest's commodity rates for the second quarter of 1989 would decrease sales revenues by approximately $1,643,795. The instant filing also provides for an increase in the demand components of Northwest's gas sales rates to reflect changes to the estimates of Canadian demand charges and to reflect a revised Canadian exchange rate factor. Northwest proposes to collect through its surcharge $1,640,973, which is the total balance of Account No. 191 as of November 30, 1988 that is subject to the PGA surcharge. The proposed rate changes have been reflected on Forty-Ninth Revised Sheet No. 10.

A copy of this filing is being served on Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before February 28, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-3262 Filed 2-10-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA89-1-7-000]

Southern Natural Gas Co.; Proposed Changes

February 7, 1989.

Take notice that on February 1, 1989, Southern Natural Gas Company (Southern) tendered for filing the following revised sheet to its FERC Gas Tariff, Sixth Revised Volume No. 1:

Eighty-Fourth Revised Sheet No. 4A

Southern states that the proposed tariff sheet and supporting information are being filed with a proposed effective date of April 1, 1989, pursuant to the Purchased Gas Adjustment clause of its FERC Gas Tariff and Section 154.305 of the Commission's Regulations.

Southern further states that its proposed tariff sheet represents its first annual PGA filing under the revised PGA Regulations and reflects a Current Adjustment consisting of:

(1) A decrease in Southern's commodity cost of gas of approximately 9.5¢ per Mcf at 1,000 Btu;

(2) A decrease in Southern's D-1 demand cost of gas of approximately 4.9¢ per Mcf in Zone 1, 8.2¢ per Mcf in Zone 2 and 11.5¢ Mcf in Zone 3;

(3) A decrease of approximately .015¢ per Mcf in Southern's D-2 demand cost of gas; and a Surcharge Adjustment consisting of:

(1) A commodity gas cost Surcharge Adjustment of 6.656¢ per Mcf, which is a decrease of .441¢ per Mcf from the 7.097¢ per Mcf Surcharge Adjustment which Southern has been authorized to recover over a three-year period;

(2) A D-1 demand gas cost Surcharge Adjustment of (12.1¢) per Mcf; and

(3) A D-2 demand gas cost Surcharge Adjustment of .001¢ per Mcf.

Copies of Southern's filing were served upon all of Southern's jurisdictional purchasers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedures (§§ 385.214 and 385.211). All such motions or protests should be filed on or before February 27, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 88-3270 Filed 2-10-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP85-806-010 and CP85-756-008]

Texas Eastern Transmission Corp.; Proposed Changes In FERC Gas Tariff

February 8, 1989.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on January 31, 1989 tendered

for filing as part of its FERC Gas Tariff, Original Volume No. 2, six copies of the following tariff sheet:

Rate Schedule X–135

Substitute Original Sheet No. 1312

Texas Eastern states that in compliance with Ordering Paragraph (0) of the Commission's September 12, 1986 Order Issuing Certificates and Authorizing Abandonment in Docket Nos. CP85–806 and CP85–756, Texas Eastern is filing the above listed tariff sheet to reflect a reduction in the rates charged to CNG Transmission Corporation (CNG) under Rate Schedule X–135 as a result of determining that the actual facility costs are less than those estimated costs underlying the initial rates. Rate Schedule X–135 is a firm transportation agreement dated August 31, 1988 between Texas Eastern and CNG under which Texas Eastern provides transportation of CNG's gas authorized by the September 12, 1986 order. A copy of Texas Eastern's workpapers, showing the adjustments made by Texas Eastern in the facility cost and cost parameters, is attached to this filing letter.

Texas Eastern states that upon Commission approval of this tariff sheet, Texas Eastern will refund amounts overcollected to CNG by crediting their next regular billing.

Texas Eastern states that the proposed effective date of this tariff sheet is November 1, 1988, the effective date of the original filing of Texas Eastern's Rate Schedule X–135.

A copy of this filing has been served on the affected party.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before February 15, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 3330 Filed 2–10–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP89–64–000]

Transcontinental Gas Pipe Line Corp.; Tariff Filing

February 8, 1989.

Take notice that on February 3, 1989, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing the following tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1:

First Revised Sheet No. 262
Original Sheet No. 253
Original Sheet No. 264

The proposed effective date of the revised tariff sheets is Marcha 6, 1989.

Transco states that the purpose of this filing is to revise Transco's currently effective FERC Gas Tariff so as to provide a method by which Tranasco may efficiently and equitably allocate capacity which, due to fluctuations in demand for services on its system during each day, becomes available after if allocates capacity pursuant to the daily scheduling procedures set forth in its existig tariff. Transco states that the proposed tariff sheet set forth a procedure for allocating such capacity by means of a rotation list of participating shippers, which list is initially established by means of a "window period" and lottery. Transco avers that such procedure is designed, however, so that once established, no participating shippers, not even the winners of the lottery, are given any advantage over any other participating shippers in the allocation of such capacity.

Transco states that in order to expedite the implementation of the proposed allocation procedure, concurrently herewith, Transco will notify its customers (1) that effective immediately they may submit letters to Transco requesting that they be permitted to participate in the proposed allocation procedure and providing the information outlined in the proposed tariff sheets and (2) that the "window period" for such requests will close 21 days from the date this filing is noticed in the **Federal Register**. Transco avers that in this way provided the Commission accepts the proposed tariff sheets by the proposed effective date Transco could immediately begin allocating capacity pursuant to such procedure prior to the end of the 1988–89 winter season.

Transco states that copies of the filing have been served upon its customers, state commissions, and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, DC 20426, in accordance with Rule 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before February 16, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89–3343 Filed 2–10–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GP89–32–000]

Transcontinental Gas Pipe Line Corp.; Assignment of New Docket Number

February 6, 1989.

Notice is hereby given of the assignment of a new docket number to the protest filing made by Transcontinental Gas Pipe Line Corporation (Transco) on July 8, 1988, pursuant to Commission Order No. 473. Transco filed its protest in Docket No. RM86–7–000. For purposes of convenience and administrative control, Transco's filing is being assigned a new separate number as set forth above.

Lois D. Cashell,

Secretary.

[FR Doc. 89–3275 Filed 2–10–89; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. FA86–55–000]

Union Electric Co.; Order Establishing Hearing Procedures

Issued February 8, 1989

On December 7, 1988, the Chief Accountant issued a contested audit report [1] under delegated authority noting Union Electric Company's (Union) disagreement with certain items contained in the staff's audit report of Union's books and records. The report noted Union's disagreement with the

[1] The contested audit report is attached for reference pending its publication in the *FERC Reports*. The report is not being published in the **Federal Register**, but may be obtained from the Commission's Public Reference Room.

staff's findings regarding Correcting Entries Nos. 1 and 2 on Schedule No. 3 and Compliance Exception No. 1 on Schedule No. 4. Union was requested to advise whether it would agree to the disposition of the issues under the shortened procedures provided for by Part 41 of the Commission's Regulations. 18 C.F.R. 41.1, *et seq.*

On January 10, 1989, Union responded that it did not consent to the shortened procedures. Section 41.7 of the Commission's Regulations provides that in case consent to the shortened procedures is not given the proceeding will be assigned for hearing. Accordingly, the Secretary, under authority delegated by the Commission, will set these matters for hearing.

Any interested person seeking to participate in this docket shall file a protest or a motion to intervene pursuant to Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.211 and 385.214) no later than 15 days after the date of publication of this order in the **Federal Register.**

It is ordered:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act, the provisions of the Federal Power Act, particularly sections 205, 206 and 301 thereof, and pursuant to the Commission's Rules of Practice and Procedure (18 C.F.R. Chapter I), a public hearing shall be held concerning the appropriateness of Union's accounting practices as discussed above.

(B) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge, shall convene a prehearing conference in this proceeding, to be held within 45 days of the date of this order, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. The Presiding Judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(C) This order shall be promptly published in the **Federal Register.**

Lois D. Cashell,

Secretary.

[FR Doc. 89-3308 Filed 2-10-89; 8:45 am]

BILLING CODE 6717-01-M

Office of Conservation and Renewable Energy

National Energy Extension Service Advisory Board; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (P.L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: National Energy Extension Service Advisory Board.

Date and Time:

Monday, March 6, 1989, 8:00 a.m.-5:00 p.m.

Tuesday, March 7, 1989, 8:00 a.m.-12:00 noon.

Place: Georgetown Marbury Hotel, 3000 M Street NW., Washington, DC 20007.

Contact: Susan D. Heard, Department of Energy, Forrestal Building—6A081, 1000 Independence Avenue SW., Washington, DC 20585, Telephone: 202-586-8290.

Purpose of the Board: The Board was established to carry on a continuing review of the National Energy Extension Service and the plans and activities of each State in implementing Energy Extension Service programs. Additionally, the Board is responsible for reporting on an annual basis to the Congress, the Secretary of Energy, and the Director of the Energy Extension Service.

Tentative Agenda: March 6, 1989:

- Overview of EES Programs
- Review of the Board's draft Tenth Annual Report
- Public comment (10 minute rule) March 7, 1989
- Review and final approval of Tenth Annual Report
- Public comment (10 minute rule)

Public Participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Susan D. Heard at 202-586-8290. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between 9 a.m. and 4 p.m. Monday thru Friday, except Federal Holidays.

Issued at Washington, DC, on February 7, 1989.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 89-3352 Filed 2-10-89; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL HOME LOAN BANK BOARD

Baltimore Federal Financial, FSA, Baltimore, MD; Appointment of Conservator

Notice is hereby given that pursuant to the authority contained in section 5(d)(6)(A)(i), of the Home Owner's Loan Act of 1933, as amended, 12 U.S.C. 1464(d)(6)(A)(i), and 12 U.S.C. 1701c (c)(2)(1982), as amended, the Federal Home Loan Bank Board has duly appointed the Federal Savings and Loan Insurance Corporation as sole conservator for Baltimore Federal Financial, FSA, Baltimore, Maryland, on February 7, 1989.

Dated: February 8, 1989.

By the Federal Home Loan Bank Board.

John M. Buckley, Jr.,

Secretary.

[FR Doc. 89-3254 Filed 2-10-89; 8:45 am]

BILLING CODE 6720-01-M

FEDERAL MARITIME COMMISSION

Inquiry Into Laws, Regulations and Policies of the Republic of Korea Affecting Shipping in the United States/Korea Trade

The Commission, by notice published August 26, 1988 (53 FR 32663), established January 30, 1989, as the date for the filing of comments in the above-captioned Inquiry.

American President Lines, Ltd. ("APL") has now submitted a request for an extension of the response date to March 17, 1989. As basis for the request, APL cites the January 26, 1989, issuance by the Korean Maritime Port Administration of a "draft" of its enforcement regulations implementing the recently enacted Maritime Transportation Business Act. APL believes that the additional time is needed to assess the impact of the new regulations and their effect on this inquiry. Sea-Land Service, Inc. subsequently submitted a similar request for an extension of time. Also, the Maritime Administration has indicated a need for additional time to further assess the new regulations.

Good cause having been shown, the Commission shall extend the time for responses to the August 23, 1988 Notice until March 17, 1989.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 89-3341 Filed 2-10-89; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200060-006.

Title: Port of New Orleans Terminal Agreement.

Parties:

Port of New Orleans

Coastal Cargo Company

Synopsis: The Agreement exercises an option in the basic lease agreement to cancel the rental of sections 61 through 70 of the Galvez Street Wharf and have the rent reduced proportionately.

Agreement No.: 224-200218.

Title: South Carolina State Ports Authority Terminal Agreement.

Parties:

South Carolina State Ports Authority (Authority)

Pharos Line, S.A. (Pharos)

Synopsis: The Agreement provides that the Authority will discount certain container service rates for Pharos' containers and chassis at the Authority's Columbus Street Terminal. It also provides for Pharos to pay wharfage at rates based on a guarantee of 50,000 tons of cargo per contract year. Pharos also agrees to provide an ocean liner service at the Port of Charleston.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

Dated: February 8, 1989.

[FR Doc. 89-3340 Filed 2-10-89; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Capitol Bancorp, Ltd., et al.; Notice of Applications To Engage de Novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 3, 1989.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Capitol Bancorp, Ltd.*, Lansing, Michigan; to engage *de novo* through its subsidiary, CNB Mortgage Corporation, Lansing, Michigan, in making, acquiring, and servicing loans or other extensions of credit for the company's account or for the account of others such as would be made by a mortgage corporation pursuant to § 225.25(b)(1) of the Board's Regulation Y.

2. *First Independence Corporation*, Detroit, Michigan; to engage *de novo* through its subsidiary, First Independence Leasing Corporation, Detroit, Michigan, in leasing personal or real property or acting as agent, broker or adviser in leasing such property pursuant to § 225.25(b)(5) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 7, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-3237 Filed 2-10-89; 8:45 am]

BILLING CODE 6210-01-M

Indian River Banking Co. et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 3, 1989.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Indian River Banking Company*, Vero Beach, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of Indian River National Bank, Vero Beach, Florida.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *FNB Bancshares, Inc.*, Iron Mountain, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Iron Mountain, Iron Mountain, Michigan.

2. *First Southeastern Banc Group, Inc.*, formerly Darman Financial of Minnesota, Inc., Harmony, Minnesota; to acquire 100 percent of the voting shares of Fillmore County Bancshares, Inc., Canton, Minnesota, and thereby indirectly acquire Canton State Bank, Canton, Minnesota.

C. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First National Insurance Agency, Inc.*, Exeter, Nebraska; to acquire 14 percent of the voting shares of First National Bank of Exeter, Exeter, Nebraska.

Board of Governors of the Federal Reserve System, February 7, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-3238 Filed 2-10-89; 8:45 am]

BILLING CODE 6210-01-M

Change in Bank Control; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 27, 1989.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoening, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Steven O'Brate*, Andrews, Texas; to acquire 45.95 percent of the voting shares of Ingalls Insurance Agency, Inc. Ingalls, Kansas, and thereby indirectly acquire Ingalls State Bank, Ingalls, Kansas.

Board of Governors of the Federal Reserve System, February 7, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-3236 Filed 2-10-89; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period:

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: JANUARY 23, 1989 AND FEBRUARY 3, 1989

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date Terminated
Varian Associates, Inc., Raytheon Company, The Machlett Laboratories, Incorporated	89-0144	01/23/89
Perstorp AB, Dr. Rex Spendlove, HyClone Laboratories, Inc.	89-0825	01/23/89
The Teachers' Retirement System of Alabama, The Liberty Corporation, Cosmos Broadcasting Corporation	89-0844	01/23/89
The Employees' Retirement System of Alabama, The Liberty Corporation, Cosmos Broadcasting Corporation	89-0845	01/23/89
Merv Griffin, c/o The Griffin Group, Inc., Robert Fish, Federal Communications Corporation	89-0851	01/23/89
Warburg, Pincus Capital Company, L.P., Native Plants Incorporated, Native Plants Incorporated	89-0864	01/23/89
Burlington Resources, Inc., Doyle Hartman, Doyle Hartman	89-0869	01/23/89
Mitsuo Kokufu, Alexander & Baldwin, Inc., Wailea Development Company, Inc.	89-0871	01/23/89
The Broken Hill Proprietary Company Limited, Pacific Resources, Inc., Pacific Resources, Inc.	89-0876	01/23/89
MAPCO Inc., B.W. Simpkins Trust, Simpkins & Sheriff Enterprises, Inc.	89-0880	01/23/89
MAPCO, Inc., F.A. Sheriff Trust, Simpkins & Sheriff Enterprises, Inc.	89-0889	01/23/89
The Broken Hill Proprietary Company Limited, Pacific Resources, Inc., Pacific Resources, Inc.	89-0892	01/23/89
The Broken Hill Proprietary Company Limited, Pacific Resources, Inc., Pacific Resources, Inc.	89-0893	01/23/89
Neil D. Gascon, R.A. Homes, Inc., R.A. Homes, Inc.	89-0894	01/23/89
CBS, Inc., Federal Enterprises, Inc., Federal Broadcasting Company	89-0861	01/24/89
BIA-COR Holdings, Inc., AMR Corporation, American Airlines, Inc.	89-0866	01/24/89
Japan Petroleum Exploration Co., Ltd., Veba A.G., Mark Producing, Inc.	89-0881	01/24/89
Chevron Corporation, Kaiser Steel Resources Inc., Kaiser Coal Corporation	89-0897	01/24/89
BTR plc, Schlegel Corporation, Schlegel Corporation	89-0828	01/25/89
Morris Dabah, Robert Campeau, The Children's Place Retail Stores, Inc.	89-0862	01/25/89
Intercontinental Affiliates, Itel Corporation, Equilease Corporation	89-0873	01/25/89
Consolidated Natural Gas Company, Veba AG, Mark Producing, Inc.	89-0879	01/25/89
W.R. Grace & Co., United Medical Corporation, Renal Care Centers Corporation	89-0813	01/26/89
Athlone Industries, Inc., Athlone Industries, Inc., Jessup Steel Company	89-0874	01/26/89
W.R. Grace & Co., Den norske Creditbank, Den norske Creditbank	89-0888	01/26/89
Finmeccania Societa Finanziaria P.A., D.U. Howard and Georganna Howard, The Dee Howard Co.	89-0822	01/27/89
Saratoga Partners II, L.P., James E. Doucette, Cablevision of Texas and Cablevision of Texas II, LP	89-0836	01/27/89

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: JANUARY 23, 1989 AND FEBRUARY 3, 1989—Continued

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date Terminated
Inland Steel Industries, Inc., Robert T. Trenary, Processed Metals, Inc.	89-0852	01/27/89
Robert A. Belfer (89-0882) and Arthur B. Belfer (90-0884), Enron Corp., Enron Corp.	89-0882	01/27/89
Arthur B. Belfer, Enron Corp., Enron Corp.	89-0884	01/27/89
Trusthouse Forte PLC, Plaza of the Americas Ltd., Plaza of the Americas Ltd.	89-0902	01/27/89
RBI Acquisition Corp., RB Industries, Inc., RB Industries, Inc.	89-0903	01/27/89
McLane Company, Inc., The Circle K Corporation, The Circle K Corporation	89-0904	01/27/89
Columbia Real Estate Investments, Inc., Pacific Savings Bank, PSB Financial Corp. II	89-0906	01/27/89
Fred Wehba, JWC Associates L.P., United Concrete Pipe Corporation	89-0907	01/27/89
Royal Dutch Petroleum Company, William J. McEnery, Gas City, Ltd. et al.	89-0916	01/27/89
Giant Group, Inc., Barris Industries, Inc., Pomona Acquisition, Corp.	89-0924	01/27/89
Blue Cross and Blue Shield of New Jersey, Inc., Plan Investment Fund, Inc., Plan Investment Funds, Inc.	89-0934	01/27/89
James M. Hoak, Actmedia, Inc., Actmedia, Inc.	89-0941	01/27/89
James M. Hoak, Actmedia, Inc., Actmedia, Inc.	89-0942	01/27/89
James M. Hoak, Actmedia, Inc., Actmedia, Inc.	89-0948	01/27/89
Saastopankkien Keskus-Osake-Pankki, Richard O. Wheeler, Union Mortgage Company, Inc.	89-0966	01/27/89
Wasserstein Perella Partners, L.P., Tenneco Inc., Tenneco Oil Company	89-0885	01/30/89
Unilever N.V., Estate of Walter Langer, Evyan Perfumes	89-0890	01/30/89
Expamet International PLC, Ronald B. Gottsegen, Radionics, Inc.	89-0919	01/30/89
Expamet International PLC, Ronald B. Gottsegen, Radionics, Inc.	89-0952	01/30/89
Hargro Enterprises, Inc., Bowater Industries, plc, Rexham Corporation	89-0829	01/31/89
Brierley Investments Limited, Tidewater Inc., Tidewater Inc.	89-0854	01/31/89
Kenneth R. Thomson, John Wiley & Sons, Inc., Milady Publishing Corporation	89-0910	01/31/89
Odyssey Partners, Wickes Companies, Inc., certain subsidiaries of Wickes	89-0911	01/31/89
Wolseley plc, Joseph C. Addington, Jr., Addington-Beaman Lumber Company, Inc.	89-0914	01/31/89
Manville Corporation, Olympic Packaging, Inc., Olympic Packaging, Inc.	89-0943	01/31/89
Silgan Corporation, Aim Packaging, Inc., Aim Packaging, Inc.	89-0878	02/01/89
SantaFe HealthCare, Inc., Lincoln National Corporation, Lincoln National Health Care Insurance Company	89-0896	02/01/89
Hanson PLC, Cummins Engine Company, Inc., Cummins Engine Company, Inc.	89-0856	02/02/89
Evode Group p.l.c., Charles N. Gitto, Jr., Gary Chemical Corp.	89-0937	02/02/89
Airgas, Inc., Cubic Corporation, G.S. Parsons, Co.	89-0867	02/03/89
Geodyne Resources, Inc., Houston Industries Incorporated, Primary Fuels, Inc. (assets)	89-0921	02/03/89
NCNB Corporation, First RepublicBank Corporation, First RepublicBank Life Insurance Company	89-0945	02/03/89
Chemical Banking Corporation, Neoax, Inc., Neoax, Inc.	89-0947	02/03/89
Exxon Corporation, a New Jersey Corporation, Oil Holding, Inc., Oil Holding, Inc.	89-0954	02/03/89
Rupert Earl Phillips, Gannett Co., Inc., Fremont Newspapers, Inc. and The Sturgis Journal, Inc.	89-0957	02/03/89
Triax USA Associates, Cable Systems USA, Associates, Cable Systems USA, Associates	89-0987	02/03/89

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay, Contact Representative, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, DC 20580, (202) 326-3100.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 89-3228 Filed 2-10-89; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[G-89-1]

Delegation of Authority to the Secretary of State

1. Purpose. This delegation authorizes the Secretary of State to audit and retain documents other than international freight and passenger transportation documents paid by the Department of State overseas offices.

2. Effective date. This delegation is effective January 1, 1988.

3. Expiration date. This document expires on December 31, 1990.

4. Delegation. a. Pursuant to the authority vested in me by section 322 of the Transportation Act of 1940, as amended (31 U.S.C. 3726), authority is delegated to the Secretary of State to audit and retain in the Department of State overseas offices those transportation vouchers and related documents (1) paid at overseas offices for other than international services, and (2) non-English language documents for international services, subject to test verifications and reviews by the General Services Administration.

b. The Secretary of State may redelegate this authority to any officer, official, or employee of the Department of State.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: February 1, 1989.

Richard G. Austin,

Acting Administrator of General Services.

[FR Doc. 89-3244 Filed 2-10-89; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Expansion of Grants To Support Health Resources and Services Administration Sponsored Education and Training Centers To Include Training on the Mental Health Aspects of AIDS

AGENCY: National Institute of Mental Health, HHS.

ACTION: Notice of limited eligibility.

SUMMARY: The National Institute of Mental Health announces the availability of Grants to Support Health Resources and Services Administration (HRSA) Sponsored Education and Training Centers to Include Training on the Mental Health Aspects of AIDS, under Request for Applications MH-89-19. These grants will be made under the authority of section 303, of the Public Health Service Act, (42 U.S.C. 242a), which authorized grants to State or local agencies, laboratories, and other public or nonprofit agencies and institutions and to individuals.

The goal of this program is to enhance the nation's AIDS training capability through the integration of training in mental health (e.g., neuropsychiatric and psychosocial) aspects of AIDS into the 13 HRSA Education and Training Centers. Each grantee will conduct comprehensive programs that deal with coping with HIV infection and AIDS; approaches to prevent the spread of HIV infection; and neuropsychiatric aspects of HIV infection and AIDS.

In fiscal year 1989, NIMH will fund approximately 4–5 grants, with up to $1.2 million in available funds. Each grant will be for a maximum of three years support.

NIMH is limiting potential applicants under the Request for Applications to the 13 Education and Training Centers (ETCs) currently supported by HRSA. The ETCs train primary care providers on aspects of the care of AIDS patients and HIV infected individuals. The eligibility is limited because the purpose of this program is to integrate training on the mental health aspects of HIV infection and AIDS into the ongoing health training of the ETCs.

For additional program guidance, potential applicants should contact:

Ellen Stover, Ph.D., Director, Office of AIDS Programs, National Institute of Mental Health, Room 17C–06, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (303) 443–7281, or

Melvyn R. Haas, M.D., Chief, Psychiatry Education Program, Division of Education and Service Systems Liaison, National Institute of Mental Health, Room 7C–06, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–2120.

The Catalog of Federal Domestic Assistance number for this program is 13.244.

Joseph R. Leone,

Associate Administrator for Management, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 89–3320 Filed 2–10–89; 8:45 am]

BILLING CODE 4160–20–M

Clinical Training Grants for Physician and Nursing Faculty Development in Alcohol and Other Drug Abuse

AGENCY: National Institute on Alcohol Abuse and Alcoholism; National Institute on Drug Abuse.

ACTION: Notice of limited eligibility.

SUMMARY: The National Institute of Alcohol Abuse and Alcoholism (NIAAA) and the National Institute on Drug Abuse (NIDA) announce the availability of Clinical Training Grants for Physician and Nursing Faculty Development in Alcohol and Other Drug Abuse, under Request for Applications AA–89–04. These grants will be made under the authority of section 508 (b)(11), of the Public Health Service Act, 42 U.S.C. 290aa–6(b), which authorizes grants to "schools of health professions, schools of allied health professionals, schools of nursing and schools of social work . . ." to conduct alcohol and other drug abuse clinical training and to develop appropriate curricula and training materials.

The goal of the program is to develop a cadre of academically based nurse and physician faculty who will provide leadership within their clinical departments in alcohol and other drug abuse clinical teaching. Each applicant will identify three to five faculty fellows, each representing a different clinical department, to participate in a three year training program. The training programs includes both individual and group instructional activities, which address alcohol and drug abuse expertise, knowledge of research, and pedagogical skills. Faculty fellows are required to implement alcohol and drug abuse curricula in their respective departments as part of the three year training program. Funds are also available for an additional two years to support program evaluation activities.

In fiscal year 1989, NIAAA and NIDA will fund approximately 6–10 grants, with up to $1.1 million dollars in available funds. Each grant will be for a maximum of five years support.

NIAAA and NIDA are limiting potential applicants under this Request for Applications to schools of medicine, osteopathy and nursing; only one award will be made to each school. This is because curriculum guidelines and models have already been developed for use by medical and nursing schools and the primary objective of the current program is to promote the implementation of these curricula by medical and nursing faculty. Physicians and nurses exercise a critical role in the prevention, early recognition, treatment and/or referral of patients with alcohol and other drug abuse problems.

Medical and nursing schools previously or currently supported by NIAAA and NIDA to develop and implement curriculum models in alcohol and other drug abuse are also not eligible for support under this program. These schools have already been supported to conduct faculty development and curriculum implementation programs and cannot receive a second award for these activities.

For additional program guidance, potential applicants should contact:

Frances Cotter, M.P.H., Director, Health Professions Education Program, Division of Clinical and Prevention Research, National Institute on Alcohol Abuse and Alcoholism, Room 16–C–10 Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857, (301) 443–1207

Dorynne Czechowicz, M.D., Associate Director for Medical and Professional Affairs, Office of Science, National Institute on Drug Abuse, Room 8A–54 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–0441.

The Catalog of Federal Domestic Assistance number for this program is 13.274.

Joseph R. Leone,

Associate Administrator for Management, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 89–3240 Filed 2–10–89; 8:45 am]

BILLING CODE 4160–20–M

Clinical Training Grants for Physician and Nursing Faculty Development in Alcohol and Other Drug Abuse

AGENCY: National Institute on Alcohol Abuse and Alcoholism, National Institute on Drug Abuse.

ACTION: Notice of Request for Applications.

Introduction

Problems associated with the use of alcohol and other drugs are widespread, resulting in extremely high costs to society. Studies indicate that many physicians are ambivalent concerning their role in diagnosing and treating patients with alcohol and other drug abuse problems, and have a low rate of problem recognition. Reasons cited for physicians' reluctance to intervene with patients with alcohol and other drug abuse problems include negative attitudes, pessimism about the possibility of recovery, and lack of confidence in their clinical skills to manage patients with these problems (Kamerow, 1986; Rohman, 1987). Physicians and nurses constitute a large manpower pool that can have substantial impact on the prevention and management of alcohol and other drug abuse problems. These health professionals are in a unique position to provide routine screening for alcohol and drug abuse and to provide general health counseling concerning alcohol and drug use and abuse. There is a need to ensure that all medical and nursing

schools provide appropriate clinical training in alcohol and other drug abuse.

Alcohol and drug abuse education assessment studies conducted by six national medical specialty organizations highlight the need to incorporate alcohol and other drug abuse instruction throughout their preclinical and clinical teaching programs. One of the major impediments to effective alcohol and drug teaching cited in these reports is the lack of skilled faculty who can serve as role models for clinical teaching. A recent survey of alcohol and drug abuse education in schools of nursing indicated that these topics receive insufficient attention in the nursing curriculum (Hoffman,1987).

The National Institute on Alcohol Abuse and Alcoholism (NIAAA) and the National Institute on Drug Abuse (NIDA) recognize the critical role of medical and nursing schools in training health providers to efectively recognize, diagnose, intervene, treat and/or refer alcohol and other drug abuse problems. The Institutes seek to stimulate these schools to conduct faculty development programs to address this need. To assist schools in this objective, NIAAA and NIDA have supported the development of curriculum models, designed to demonstrate methods of integrating alcohol and drug abuse instruction into medical and nursing clinical training programs. The model curricula are based upon discipline-specific knowledge and skill objectives, and address undergraduate, graduate, and faculty training needs. Curriculum models address the following medical specialties: General Internal Medicine, Family Medicine, Psychiatry, Pediatrics, and OB/GYN. Within nursing, curriculum models are being developed for undergraduate core courses and for selected graduate nursing specialties. Information on these projects may be obtained directly from the curriculum model program directors (see attached list). A resource manual of sample curriculum models and instructional materials will be available from NIAAA in the Fall of 1989. The current issue of NIAAA's *Alcohol Health and Research World,* (Volume 13, No. 1, 1989) is devoted to alcohol and drug abuse clinical training. This issue is available from the National Clearinghouse on Alcohol and Drug Abuse Information (NCADI), P.O. Box 2345, Rockville, Maryland 20852, 301/468–2600.

In fiscal year 1989, NIAAA in consultation with NIDA, will make clinical training grant awards for Physician and Nursing Faculty Development in Alcohol and Drug Abuse. It is anticipated that up to $1.1 million will be available to support 6–10 projects. These projects will provide support to 3–5 academically based faculty fellows within a single institution to develop their expertise in alcohol and drug abuse, and to implement alcohol and drug abuse teaching as part of the ongoing clinical curriculum of their specialty. These projects will include two phases of activity: faculty training and curriculum implementation efforts (years 1–3) and assessment of impact of training and curriculum activities (years 4 and 5).

The statutory authority for anticipated awards in section 508(b)(11), of the Public Health Service Act (42 U.S.C. 290aa–6(b)).

Purpose

The purpose of this award is to develop a cadre of academically based nurse and physician faculty who will provide leadership within their clinical specialties/departments in alcohol and other drug abuse clinical training. It is expected that faculty fellows will develop expertise in the early recognition, diagnosis, treatment and/or referral of patients with alcohol and drug abuse problems; and will incorporate alcohol and drug abuse instruction as part of their ongoing clinical training responsibilities within their departments. In addition, faculty fellows at the awardee institution will work together, under the supervision of a sponsor, to assess curriculum needs and implement curricula in alcohol and drug abuse in their departments. Through this program, faculty fellows will develop expertise in the following areas:

- State-of-the-art prevention, screening, diagnosis, case management, and referral methods in alcohol and drug abuse;
- Current alcohol and drug abuse research methodologies and findings, and the application of these findings into clinical teaching and clinical practice;
- Application of state-of-the-art instructional materials and methodologies to clinical teaching;
- Implementing an alcohol and drug abuse curriculum as part of the ongoing clinical training of faculty fellows' departments.

The Faculty Development Program is not intended to support the preparation of those faculty seeking careers exclusively in research. Information regarding NIAAA and NIDA programs of support for advanced training for careers in research may be obtained by contacting individuals listed on pages 13 and 14.

Eligibility

Applications may be submitted by a school of medicine, a school of osteopathy, or a school of nursing. Schools of medicine, osteopathy and nursing must submit separate applications. Joint applications may not be submitted under this program.

Faculty fellow candidates must meet the following criteria:

- Hold an M.D., D.O., or graduate nursing degree,
- Be a U.S. citizen or permanent resident,
- Currently hold a full-time academic appointment at the assistant professor level or higher.

Individual currently or previously supported under NIAAA/NIDA faculty development programs, e.g., the Career Teacher or Curriculum Models Program, are not eligible for support as faculty fellows. Such individuals are eligible for support as program directors.

Institutions are particularly encouraged to identify women and minority faculty candidates. Only one award will be made to a school. Medical and nursing schools previously or currently supported by NIAAA and NIDA to develop and implement curriculum models in alcohol and other drug abuse are not eligible for support.

Special Application Characteristics

- Application must be complete and contain all information needed for review. No addenda will be accepted later than the closing date unless specifically requested by the executive secretary of the review committee.
- The narrative section should be written in a manner that is self-explanatory to outside reviewers who are unfamiliar with prior related activities of the applicant. It should be succinct and well organized, must not exceed 30 single-spaced pages, and must contain all information necessary for reviewers to understand the project. The 30-page limit is permitted in order to include all of the individual faculty training plans, as well as the description of the overall program. Applications exceeding the 30-page limit (on the narrative section) will not be accepted for review. Appendices may be attached for technical or specialized materials but may not be used merely to extend the narrative.

The following outline should be used to prepare a description of the training program in the narrative portion of the application. This will replace the general instructions for completing Section 2 A–D (Research Plan) of the PHS 398 grant application form.

1. Abstract

The narrative section of the application should be preceded by an abstract not to exceed two single-spaced typewritten pages. The abstract should clearly present the grant application in summary form, so that the reviewers can see how the multiple parts of the application fit together to form a coherent whole.

2. Program Plan

The applicant institution must describe the proposed faculty development program and include the following information:

- A conceptualization of the faculty development program, to include the need for the program and program goals and objectives. The applicant should provide a brief summary of the institution's existing alcohol and drug abuse curriculum and the curriculum development needs of the targeted departments.
- A review and critical assessment of two alcohol and drug abuse research areas and a discussion of how they can be incorporated as part of alcohol and drug abuse clinical teaching. The applicant should identify what alcohol and drug abuse research resources will be utilized to ensure that faculty fellows incorporate state-of-the-art research as part of their clinical teaching and practice.
- Identification of a minimum of three and a maximum of five faculty candidates, each representing different clinical departments to participate in the training program. Provide a concise description of the proposed faculty candidates, their role within their departments, and their manner of recruitment and selection for the program. Provide evidence that each faculty fellow will allocate a 15–20% level of effort each year throughout the training program, and is in a position to serve as a clinical role model within his/her discipline/specialty.
- A concise description of the overall program, which incorporates the proposed plan and scheduling for all major program components, including (1) group instruction and network development; (2) individual faculty training; and (3) coordinated curriculum implementation activities among the faculty fellows. Curriculum implementation activities should be sequenced as an intergral part of the faculty fellows training plan, beginning in year 2 of the program. Group instructional activities should utilize learner centered-approaches, and incorporate such methodologies as seminars, peer teaching, and collaborative projects, e.g., conducting curriculum needs assessment studies, developing curricula, and evaluating teaching technologies. The training plan should describe the local clinical teaching sites which will be utilized as an integral part of the faculty development program.

3. Faculty Fellow Candidates

Faculty fellow candidates should presently hold a full-time clinical faculty position, at least at the assistant professor level. Current clinical teaching responsibilities should be highlighted. Each faculty fellow candidate should submit a statement documenting his/her commitment to alcohol and drug abuse teaching, and demonstrating how this professional development program relates to long-range career goals.

Each faculty fellow should also submit a proposed 3-year training plan, not to exceed three pages in length, and include the following elements:

- An assessment of individual training needs with respect to (1) alcohol and drug abuse knowledge and clinical skills, (2) instructional technologies and pedagogical skills, and (3) knowledge of current alcohol and drug abuse research methodologies and findings.
- Proposed professional development activities, for each year of the 3-year award, to include on- and off-site training experiences. Faculty training may include short-term training courses and experiences at other academic institutions, but on-site and local community clinical training resources must be an integral part of the training plan. Expenses to support professional development activities (i.e., tuition, fees, travel, and per diem) and purchase of instructional materials must be detailed for each year of the training program.
- Proposed plan for implementing alcohol and drug abuse curricula within the fellow's department, including potential courses and sites for instruction and targeted level of training. An appropriate balance of alcohol and drug abuse instructional content must be evident.
- Proposed contributions to be made by the faculty fellow to the alcohol and drug abuse field, i.e., clinical applications of research, replication of existing curriculum models, evaluation approaches, and methodologies, etc.
- Statement of intent to participate in one off-site professional development meeting per year, sponsored by NIDA and NIAAA.

Faculty fellow training plans are part of the application narrative and should not be submitted as appendix material.

4. Program Director/Faculty Fellow Sponsor

The overall supervision and sponsorship of the faculty fellows will be the responsibility of the program director. The program director must ensure that faculty fellows have access to needed resources and expertise within their departments, and establish appropriate linkages with treatment facilities and other academic institutions. The applicant institution should provide a description of the role of the program director in overseeing the faculty development program including the program director's role regarding the following: (1) Directing the group instruction component of the program; (2) overseeing individual faculty fellow training activities, including curriculum implementation efforts; (3) ensuring access to and appropriate utilization of research resources; and (4) implementing program evaluation. The program director should indicate a minimum of 10% level of effort per year to the faculty development component of the project (Years 1–3). The applicant should submit a biographical sketch which demonstrates that the program director has expertise in alcohol and drug abuse clinical teaching. The applicant must demonstrate that the program director is knowledgeable in current alcohol and drug abuse research methodologies and findings, and in the application of this research to clinical teaching. The application should include a statement of intent from the program director to participate in one NIAAA/NIDA sponsored meeting each year of the grant.

5. Applicant Institution

The application should provide a concise description of the applicant institution, including its current educational, service, and research programs, emphasizing those in alcohol and drug abuse. The availability of established faculty as potential academic role models for the faculty fellows at the applicant and other institutions should be described. Additional resources such as established clinical, academic, and/or research centers or unique clinical service programs directed to alcohol and drug abuse should be included. The head or chair of each targeted department should provide evidence of commitment to the faculty fellow candidate and to the candidate's plan for implementation of an alcohol and drug abuse curriculum. This should include assurances that sufficient time will be made available to the faculty

candidate to undertake the training plan proposed. The dean of the sponsoring institution should also provide evidence of support for the faculty development program. Documentation should be provided regarding the continued commitment of the institution to the faculty fellows beyond the period of the grant award. Letters of support are to be submitted as appendices to the narrative.

6. Evaluation

Each application will include an evaluation component. The proposal should include an evaluation plan, comprising of the following: (1) An individual project process evaluation; and (2) an outcome evaluation of the impact of the training program on faculty trainees, on the clinical training programs of the targeted departments, and on the overall institution. Process evaluation should include a detailed description of the faculty trainees, targeted departments, educational settings and interventions during each phase of the project. The outcome evaluation should address changes in alcohol and drug abuse knowledge, clinical skills, and perceptions of competence of faculty candidates and students receiving training during the curriculum implementation phase. In addition, particular emphasis in the outcome evaluation should be placed on the impact of the curriculum implementation phase on clinical practice behavior, i.e., changes in practices related to patient screening, health counseling, diagnosis, intervention, case management, and referral in existing clinical settings, including ambulatory care settings. Assessment of the impact of the curriculum implementation phase on clinical practice behavior should be conducted with an experimental or quasi experimental design. The applicant will identify a local evaluation consultant to oversee evaluation activities throughout the 5-year grant period. The evaluation consultant's role should be described for each year of the project.

During years 4 and 5 of the proposed faculty development program, project activity will be limited to conduct of program evaluation. This is in order to allow the institution an adequate period of time to assess program impact following termination of faculty fellow support. The proposed budget for years 4 and 5 of the grant should reflect this change in program scope, and should not exceed $30,000 in total cost each year.

It is expected that evaluation design and methodology for both the process and outcome evaluation of the project will be completed by the end of the first year of the grant award. A national steering group comprised of evaluation experts and grantee representatives will develop a model evaluation format, which may assist grantees on conduct of their evaluation efforts. The applicant should provide assurance that the project director and evaluation consultant will participate in a meeting to develop a model evaluation format within 3 months of the grant award.

Allowable Costs, Terms, and Conditions of Support

Grants funded under this announcement are awarded directly to the institution, and *are limited to one per school.* The maximum period of support is 5 years. Plans for each year of the award, including detailed budgets, should be fully presented in the application and should reflect the change in program scope during year 4 and 5 of the project. Support beyond the first year is contingent upon the availability of funds and the receipt of an annual continuation application. Grant awards may not be renewed beyond the 5-year period of support.

During the first 3 years of the grant, a maximum of $10,000 (exclusive of fringe benefits) per year of grant funds may be used to support the salary of each faculty fellow and the program director. In addition to salary support, funds may be requested for tuition and travel expenses incurred for the training of fellows (including attendance at the NIAAA/NIDA-sponsored training meetings) and for instructional materials. Examples of other allowable direct cost expenses include limited amounts for administrative support, consultants (including evaluation consultant), equipment, supplies, and travel. All budget items must be fully justified at the level requested. All grants will be reimbursed at 8 percent of total allowable direct costs or actual indirect costs, whichever is less.

Grants described in this announcement are awarded directly to eligible schools. Funds may be used only for those expenses which are directly related and necessary to carry out the project and may be expended in conformance with DHHS cost principles, the Public Health Service Grants Policy Statement,[1] and conditions set forth in this document. Funds made available under this grant may not be used to supplant currently existing training or other support for such training.

As a condition of the award, the applicant will submit an annual continuation application which provides a summary of progress to date, plans for the next year, and an appraisal of each faculty fellow's progress. The applicant will provide information on specific areas of program activity, as requested by the Institutes in supplemental instructions to the continuation application.

Application Procedures

For questions of eligibility and for assistance in developing applications, prospective applicants should consult:

Frances Cotter, M.A., M.P.H., Director, Health Professions Training, NIAAA, Division of Clinical and Prevention Research, 5600 Fishers Lane, Room 16C10, Rockville, Maryland 20857, 301/443–1207

Dorynne Czechowicz, M.D., Associate Director for Medical and Professional Affairs, NIDA, Office of Science, 5600 Fishers Lane, Room 8A–54, Rockville, Maryland 20857, 301/443–0441

Applications (PHS 398, Rev. 9/86) must be complete and contain all information needed for initial and National Advisory Council Review. The title of the RFA Clinical Training Grant for Physician and Nursing Faculty Development in Alcohol and Other Drug Abuse should be typed in item number 2 on the face page of the applicaton form. No addenda will be accepted later, unless specifically requested by the executive secretary of the review committee. No site visits will be made.

Application kits (PHS 398) are available from: Division of Clinical and Prevention Research, NIAAA, 5600 Fishers Lane, Room 16C10, Rockville, Maryland 20857.

The original and four (4) copies of the application should be submitted by May 4, 1989 to: Division of Research Grants, National Institutes of Health, Westwood Building, Room 240, 5333 Westbard Avenue, Bethesda, Maryland 20892.

Due to the short time available for review, applicants are requested to send two (2) additional copies of the application by May 4, 1989 to: Office of Scientific Affairs, NIAAA, NIAAA Clinical Training Grants, Attn: Dr. Mark Green, 5600 Fishers Lane, Room 16C20, Rockville, Maryland 20857.

[1] Public Health Service Grants Policy Statement (rev. January 1, 1987), GPO–017–020–00092–7, available for $4.50 from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Review

Review Procedures

A dual review system will be used to ensure knowledgeable, objective review of the quality of applications. Initial peer review for scientific, educational, and/or technical merit will be by groups of non-Federal experts called Initial Review Groups (IRGs). Final review will be by the National Advisory Council on Alcohol Abuse and Alcoholism. Council review may be based upon policy considerations in addition to technical merit.

Review Criteria

Each grant application will be evaluated on its own merits. The following basic criteria will be used:

• Institutional Environment and Support. The applicant institution must show evidence of:

—Commitment of the dean and department chairs to the career development of the potential faculty fellows
—Commitment to implement curriculum in alcohol and other drug abuse
—Existence of suitable adequate clinical and academic facilities
—Assurances that faculty fellows will have sufficient release time for grant-related activities.

• Qualifications of Program Director:

—Suitability and quality of academic, clinical and/or research background and experience, and appropriateness as role model
—Ability to advise and assist fellows in effecting curriculum changes.

• Qualifications and Potential of Faculty Fellow Candidates:

—Appropriate faculty status
—Ability to provide faculty leadership upon termination of grant
—Demonstrated commitment to medical education in alcohol and other drug abuse
—Compatibility among individual career goals, grant intent, and institutional goals
—Suitability and quality of academic, clinical, and/or research background and experience as related to the grant proposal
—Background and potential as clinical role model.

• Quality of Program Plan:

—Adequately demonstrates a need for curriculum development in alcohol and other drug abuse
—Appropriately addresses all major program components, including group instructional activities, individual faculty training plans and curriculum implementation activities, and the relationship of these components to program goals
—Demonstrates an understanding of the application of alcohol and drug research to clinical teaching and identifies appropriate research resources as an integral part of the proposed training program
—Appropriate balance of alcohol and drug abuse instructional content
—Reasonable potential for accomplishment of program goals.

• Quality of Individual Faculty Training Plans:

—Appropriately address candidate's individual training needs
—Reflect an appropriate balance of didactic and clinical training experiences, and incorporate alcohol and drug abuse treatment facilities as an integral component of training
—Plan for implementing alcohol and drug abuse instruction is clearly outlined and has reasonable potential for accomplishment.

• Adequacy of proposed evaluation plan and capability of proposed evaluation consultant.

• Appropriateness of proposed budget and other resources identified to carry out project activities.

This announcement is not subject to the intergovernmental review requirements of Executive Order 12372 as implemented through DHHS regulations at 45 CFR Part 100.

Receipt and Review Schedule

Receipt of application	IRG review	Advisory council review	Start date
May 4, 1989.	June/July 1989.	Sept. 1989 ..	Sept. 1989.

Applications received after the deadline specified above will be considered ineligible and will be returned to the applicant.

Award Criteria

The responsibility for award decisions on applications recommended for approval by the National Advisory Council on Alcohol Abuse and Alcoholism lies solely with authorized program staff. NIAAA and NIDA program staff will use the following criteria in making funding decisions on applications recommended for approval:

• Technical merit of the proposed project as determined during the review process.

• Appropriate balance across medicine and nursing.

• Geographic distrubution.

• Availability of funds.

Adamha Support for Research Training

Information on ADAMHA program announcements directed exclusively to alcohol and other drug abuse research training can be obtained from the following sources:

NIAAA:

Richard Fuller, M.D., Director, Division of Clinical and Prevention Research, NIAAA, 5600 Fishers Lane, Room 16C10, Rockville, Maryland 20857, (301) 443–1206

W. Sue Badman Shafer, Ph.D., Acting Director, Division of Basic Research, NIAAA, 5600 Fishers Lane, Room 14C–10, Rockville, Maryland 20857, 301/443–2530

Mary Dufour, M.D., M.P.H., Chief, Epidemiology Branch, Division of Biometry and Epidemiology, NIAAA, 5600 Fishers Lane, Room 14C26, Rockville, Maryland 20857, 301/443–4897

NIDA:

Charles W. Sharp, Ph.D., Chair, Research Training Committee, Division of Preclinical Research, NIDA, 5600 Fishers Lane, Room 10A–31, Rockville, Maryland 20857, 301/443–6300

Robert J. Chiarello, M.D., Medical Officer, Treatment Research Branch, Division of Clinical Research, NIDA, 5600 Fishers Lane, Room 10A–30, Rockville, Maryland 20857, (301) 443–1514

Catherine S. Bolek, M.S., Program Director, Minority Research Training Center, Office of Science, NIDA, 5600 Fishers Lane, Room 8A–54, Rockville, Maryland 20857, 301/443–0441.

The Catalog of Federal Domestic Assistance number for this program is 13.274.

Joseph R. Leone,

Associate Administrator for Management, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 89–3239 Filed 2–10–89; 8:45 am]

BILLING CODE 4160-20-M

Food and Drug Administration

[Docket No. 88N–0394]

Generic Animal Drug and Patent Term Restoration Act; List of Currently Approved Drugs; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a list of new animal drugs that have been approved for safety and effectiveness before the date of

enactment of the Generic Animal Drug and Patent Term Restoration Act (the new law). The new law requires that such a list be made available within 60 days of enactment.

DATE: Comments by March 15, 1989.

ADDRESSES: Submit written requests for single copies of the list to the Industry Information Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. (Send two self-addressed adhesive labels to assist the staff in processing your requests.) Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Richard B. Talbot, Center for Veterinary Medicine (HFV–100), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4313.

SUPPLEMENTARY INFORMATION: On November 16, 1988, the President signed into effect the new law (Pub. L. 100–670, 102 Stat. 3971). The new law extends eligibility for the submission of abbreviated new animal drug applications (ANADA's) to drug products first approved after the 1962 Amendments to the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*). The new law also provides for the extension of patents covering animal drugs.

The new law requires that FDA publish and make available to the public a list in alphabetical order of the official and proprietary name of each new animal drug which has been approved for safety and effectiveness. FDA's Center for Veterinary Medicine (CVM) has completed the first such list and is making it available. This first list has two sections. The first section lists in alphabetical order the proprietary name (trade name) of each new animal drug application (NADA) that was approved for safety and effectiveness prior to January 15, 1989, and that is currently in effect. Also included in this section are the NADA number and the name of the sponsor holding the approval for that approved drug product. The second section lists in alphabetical order each active ingredient, with the trade name, the NADA number, and the sponsor's name for each approved product containing the ingredient.

Because of time limitations, CVM is unable to ensure that this first list is accurate in all respects. CVM will continue to review the list, and will make any necessary corrections in future editions of the list. For example, CVM is reviewing certain of the drugs that were approved prior to 1962 and that are included in the first list to determine whether the drugs should be taken off the list. CVM invites interested persons to identify any drugs they believe are erroneously listed or omitted from the list. Such information should be sent to the Office of New Animal Drug Evaluation (HFV–100), Center for Veterinary Medicine, 5600 Fishers Lane, Rockville, MD 20857.

As required by the new law, the list will be revised every 30 days to include any new information that has become available during the 30-day period. In addition, patent information that has been submitted under provision of the new law will be included in future revisions of the list. Notices of availability of the revised list will not be published in the **Federal Register** each month but will be published only as needed to announce the availability of significant revisions of the list. CVM is in the process of making arrangements for the publication and distribution of the list by an organization outside the FDA. In the meantime, the revised lists will be available for public examination at the Dockets Management Branch (address above).

Interested persons may, on or before March 15, 1989, submit to the Dockets Management Branch (address above) written comments regarding the list. Two copies of any comments should be submitted, except that individuals may submit one copy. Any comments and other information on this topic are available for public examination at the Dockets Management Branch and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

Written requests for single copies of the list are to be submitted to the Industry Information Staff (address above).

Dated: February 3, 1989.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 89–3248 Filed 2–10–89; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 88M–0436]

GV Medical, Inc.; Premarket Approval of the LASTAC® System

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is annoucing its approval of the application by GV Medical, Inc., Minneapolis, MN. for premarket approval, under the Medical Device Amendments of 1976, of the LASTAC® System. After reviewing the recommendation of the Circulatory System Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant by letter of December 9, 1988, of the approval of the application.

DATE: Petitions for administrative review by March 15, 1989.

ADDRESS: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Tara A. Ryan, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7371.

SUPPLEMENTARY INFORMATION: On March 7, 1988, GV Medical, Inc., Minneapolis, MN 55441, submitted to CDRH an application for premarket approval of the LASTAC® System. Specifically, the LASTAC® System is comprised of a laser and catheter through which laser energy passes to ablate arterial plaque. The LASTAC® System is indicated via percutaneous or "open" (cutdown) approach using flouroscopic guidance as an adjunct to routine peripheral balloon dilatation techniques for the treatment of occlusive peripheral artery disease for the iliac, femoral, and popliteal arteries. Specifically, the use of this device is recommended principally for, but is not limited to, cases in which successful reestablishment of blood flow would not be expected using conventional angioplasty techniques.

On September 16, 1988, the Circulatory System Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On December 9, 1988, CDRH approved the application by a letter to the applicant from the Acting Director of the Office of Device Evalution, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon writen request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Tara A. Ryan (HFZ–450), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of exports. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identity the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 15, 1989, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h), 90 Stat. 554–555, 571 (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: February 2, 1989.

Walter E. Gundaker,

Acting Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 89–3247 Filed 2–10–89; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 89N–0030]

Public Meeting; Seafood Safety as Related to Cooked and Processed Seafood

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA), Northeast Region, is announcing a public meeting with the seafood industry and other interested persons to discuss a number of agency concerns relating to public health aspects of cooked and processed seafood.

DATES: The meeting will be held on Wednesday, March 8, 1989, from 4:30 p.m. to 7 p.m. Interested persons unable to attend may submit written comments on the issues outlined in this notice by April 14, 1989.

ADDRESSES: The meeting will be held in Rm. 200, Hynes Convention Center, 900 Boylston St., Boston, MA 02115. Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, referencing the docket number found in the heading of this notice.

FOR FURTHER INFORMATION CONTACT: Edward J. McDonnell, Food and Drug Administration (HFR–NE200), One Montvale Ave., Stoneham, MA 02180, 617–279–1476.

SUPPLEMENTARY INFORMATION: The meeting is being sponsored by FDA's Northeast Regional Office, in accordance with 21 CFR 10.65(b), to discuss with the seafood industry and other interested persons the agency's concerns raised by its inspectional and analytical findings relating to cooked and processed seafood.

Issues to be discussed will include:

1. Microbiological contamination of ready-to-eat or heat-and-serve seafood products;

2. Public health concerns relating to these products;

3. Improved processing practices for these products;

4. Strategies for protecting the consumer from associated health risks.

FDA is inviting all interested persons to participate in this meeting. Interested persons who will be unable to attend the meeting may submit to the Dockets Management Branch (address above) written comments that set forth their views on the issues outlined in this notice.

Dated: February 6, 1989.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 89–3249 Filed 2–10–89; 8:45 am]

BILLING CODE 4160–01–M

Public Health Service

National Research Service Awards for Research in Primary Medical Care; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of authority to the Administrator, Health Resources and Services Administration, by the Assistant Secretary for Health on January 17, 1989, the Administrator, Health Resources and Services Administration, has delegated to the Director, Bureau of Health Professions, with authority to redelegate, the authority under Title IV, section 487(d)(3), of the Public Health Service Act (42 U.S.C. 288d), as amended, pertaining to National Research Service Awards for research in primary medical care, excluding the one-half of one percent for payments under National Research Service Awards made for health services research by the National Center for Health Services Research and Health Care Technology Assessment under section 304(a)(3). This delegation also excluded the authority to promulgate regulations, submit reports to the President or the Congress, approve organizational changes at the division level and above, establish national advisory councils and boards, and select members of national advisory councils and boards.

Effective Date: This delegation was effective on February 2, 1989.

Date: February 2, 1989.

John H. Kelso,

Acting Administrator.

[FR Doc. 89–3319 Filed 2–10–89; 8:45 am]

BILLING CODE 4160–15–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N–89–1929]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office

of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washigton, DC 20410, telephone (202) 755–6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). It is also requested that OMB complete its review within seven days .

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Date: February 1, 1989.

John T. Murphy,

Director, Information Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Survey of Tenants in Certain Properties with HUD-Held and Foreclosed Mortgages

Office: Housing

Description of the Need for the Information and Its Proposed Use: This information will help the Department to determine how many units must be made available for low- and moderate-income tenants after a mortgage is assigned by HUD. This data collection effort is required by Section 181 of the 1987 Housing and Community Development Act, as amended.

Form Number: HUD–9934, 9934A, and 9934B

Respondents: Individuals or Households, Businesses or Other For-Profit, and Small Business or Organization

Frequency of Submission: On Occasion

Reporting Burden:

One-Time Burden in 1989 for Currently HUD-Held Inventory	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
Project Owners							
HUD–9934	724		1		4		2,896
HUD–9934A	724		1		.25		181
HUD–9934B	724		1		1.5		1,086
Subtotal							4,163
Tenants							
HUD–9934	86,913		1		.066		5,736
Total							9,899

Annual Burden for Mortgages Newly Assigned to HUD or Foreclosed	Number of Respondents	x	Frequency of response	x	Hours per response	=	Burden hours
Project Owners							
HUD–9934	[1] 85		1		4		340
HUD–9934A	85		1		1.5		128
HUD–9934B	85		1		.25		21
Subtotal							489
Tenants							
HUD–9934	9,038		1		.066		597
Total							1,086

[1] Assuming 75 assignments and 10 foreclosures per year.

Total Estimated Burden Hours: 10,985

Status: New

Contact: James J. Tashash, HUD, (202) 426–3944; John Allison, OMB, (202) 395–6880.

Date: February 1, 1989.

Supporting Statement—Justification for Information Collection Associated With the Survey of Tenants in Certain Projects With HUD-Held and Foreclosed Mortgagees

1. Section 181 of the Housing and Community Development Act of 1987 (The Act), as amended, requires the Department to preserve HUD-held and HUD-owned multifamily housing projects so that they are available to and affordable by low- and moderate-income persons. The Act provides that the Department must determine how many units are occupied by low- and moderate-income persons on the date the mortgage is assigned to HUD and again on the date it is foreclosed. The

Department has a commitment under the Act to preserve the greater number of units determined on these two dates. In addition to the Department's commitment to provide for low- and moderate-income persons, the Act specifically requires the Department to provide assistance under the Section 8 program for those units that are occupied by lower income families eligible for Section 8 assistance.

The Department has responsibility under the Section 8 program (Section 8 of the Housing Act of 1937) to maximize the use of subsidy funds. It also has responsibility under the act to manage and preserve housing for low- and moderate-income persons. The subject data collection effort is necessary to help the Department achieve these goals.

Specifically, the Department must determine the number of units occupied by lower income persons with incomes between 0 and 80 percent of median income. This will give the Department the number of units for which the Department must provide Section 8 assistance under the Act. In addition, the Department must also determine the number of units occupied by moderate income persons with incomes between 81 and 120 percent of median income. This will help the Department to determine the need by moderate income persons for housing in these projects.

In projects with mortgage interest subsidy and projects with rental subsidy for 100 percent of the units, the Department assumes that all units are occupied by low and moderate income tenants. The Department has adequate information available on these projects to determine the number of Section 8 units to allocate. Therefore, no additional data collection is necessary.

In projects that have a rental subsidy contract tied to only some of the units, the Department assumes that the units covered by the subsidy contract are occupied by low and moderate income tenants. However, neither the Department nor owners have any way of knowing the incomes of tenant in units that are not covered by a subsidy contract. Because of the unavailability of information on units not covered by a subsidy contract and because the Act specifically refers to the actual number of units occupied by low income persons, we have determined that this information can only be acquired through a survey of tenants by owners.

2. The Department will use this information to determine how many units to make available for low- and moderate-income persons while a mortgage is HUD-held and then after it is foreclosed. The Department is asking owners to report tenant incomes as the following percentages of median income: 0–50; 51–80; 81–95; 96–120; above 120. This breakdown of tenant income mix will assist the Department in committing the necessary budget authority to provide assistance for the units occupied by Section 8 eligible tenants and will provide the Department with the necessary information so that it can develop and apply different strategies to assure that units continue to be made available and affordable to low and moderate income persons.

Failure to collect this data would result in noncompliance with the Act and would prevent the Department from fulfilling its responsibility of effectively managing its programs.

3. We have not given consideration to the use of improved information technology to reduce the reporting burden on owners. There are no automated systems currently in use that could assist with the owners' effort. Since income data is not collected on tenants paying market rent, none of the Department's automated systems contain the required data. Further, the Act requires us to survey every tenant not known to be low or moderate income. It does not permit us to estimate the number of units to be assisted based on a sample of current tenants.

4. We are not requiring owners of subsidized properties to survey tenants, since all of the units are considered to be for low and moderate income persons. Owners of partially subsidized properties must survey only those tenants who are not receiving any assistance (tenants for whom the owner does not have a current HUD 50059 on file). Owners of unsubsidized properties must survey all tenants. With this approach we assure that owners survey only those tenants who are not known already to be low- or moderate-income.

5. Unless a tenant is receiving some type of subsidy, owners do not collect information on tenant incomes, except for purposes of initial screening for ability to pay the rent. The data required by the Act is not already available.

6. Not applicable.

7. Not applicable.

8. There are no special circumstances requiring collection of information that is inconsistent with the guidelines in 5 CFR 1320.6.

9. In addition to discussions with the National Association of HUD Management Agents, The National Corporation of Housing Partnerships and The National Housing Partnership, we have had ongoing discussions with the following individuals on this data collection effort:

Dan Grady, Monfric, Inc., 1915 Morena Blvd., San Diego, CA 92110, (619) 276–6271.

Barron Rush, CPM, Barron Builders & Management Company, 18333 Egret Bay Blvd., Suite 680, Houston, TX 77058, (713) 333–5211

Charles A. Achilles, Vice President, Institute of Real Estate Management, 430 N. Michigan Ave., Chicago, IL 60611, (312) 661-1930

10. The form letter to tenants requesting data on incomes states that the information provided by tenants is subject to the Privacy Act and may be made available only to appropriate Federal, State and local agencies. No assurances of confidentiality are provided to owners.

11. This data collection effort on tenant incomes is not discretionary. It is mandated by the 1987 Housing and Community Development Act. The sample letter from the owner to tenants states that they are required to collect this information by law. It states that the owner will send an overall summary of the income levels of the people living in the project to the Department. It further states that the owner will not be sending the Department information about individual tenants requested to do so by the Department.

12/13. It is estimated that it will cost the Federal Government and the respondents approximately $15.00 per hour including overhead, printing, equipment, supplies and support staff.

Total annual response [1]	Hours/ response	Cost/ hour	Annual cost
Respondents 85 [2]	5.75	$15.00	$7,332
Government 85 [2]	.25	15.00	319

[1] There is a one-time response in 1989 for the 724 projects in the HUD-held inventory, costing $62,445 for respondents (724 x 5.75 × 15) and $2,715 for government (724 x .25 x 15).

[2] This number is based on the assumption that there will be 75 assignments and 10 foreclosures per year.

We based our estimates on the actual number of projects currently in our HUD inventory and on the number of mortgages actually foreclosed and assigned over the last 5 years. We estimated the size of each project to be 150 units. Based on actual data, we estimated that 75% of HUD-held and foreclosed mortgages would be insured under the 221(d)(3) and 221(d)(4) programs, with 30% of those projects receiving Section 8 assistance. (This reduced the estimated number of tenants in (d)(3) and (d)(4) projects that would have to be surveyed by 30%.) We assumed that projects insured under the other programs (207, 213, 220, 223(f), 231 and 234) do not receive subsidy and that all tenants must be surveyed.

Number of respondents	×	Frequency of response	×	House per response	=	Burden hours	Total
One-Time Burden In 1989 For Currently HUD-Held Inventory							
Project Owners:							
(HUD 9934) 724	×	1		4		2,896	
(HUD 9934A) 724	×	1		.25		181	
(HUD 9934B) 724	×	1		1.5		1,086	
							4,163
Tenants: (HUD 9934) 86,913	×	1	×	.066	=	5,836	5,736
							9,899
Annual Burden For Mortgages Newly Assigned To HUD Or Foreclosed							
Project Owners:							
(HUD 9934) 85	×	1	×	4	=	340	
(HUD 9934A) 85	×	1	×	1.5	=	128	
(HUD 9934B) 85	×	1	×	.25	=	21	
							489
Tenants: (HUD 9934) 9,038	×	1	×	.066	=	597	597
							1,086

[1] Assuming 75 assignments and 10 foreclosures per year.

14. Not applicable.

15. Not applicable.

BILLING CODE 4210-01-M

DRAFT

TENANT SURVEY

Owner's Instructions:

1. Address and send a survey to all unassisted tenants. (These are tenants for whom you do not have a HUD 50059 on file and for whom you do not have records that show they are receiving assistance under the Section 8 Existing and Housing Voucher programs.

2. Complete Item 4. Insert the location/address to which you want tenants to return the survey and insert the deadline by which tenants should return the survey. This should be 7 to 10 days from the date the survey is sent to tenants.

3. Prepare and enclose a self addressed, stamped envelope that tenants can use to return the survey.

Unit #_____

Dear

We are required by the Congress under the Housing and Community Development Act of 1987, to collect the following information about household incomes of the tenants in this complex.

We will send an overall summary of the income levels of the people living here to the U.S. Department of Housing and Urban Development. We will not be sending them information about individual tenants unless requested to do so by HUD at a later date.

1. How many people live in your home? _____

2. What is the total annual income of all of the people who live in your home?____

3. Read and sign the following certification: I certify that the above information is true and complete to the best of my knowledge and belief.

_____
Signature of the person whose name appears on the lease

4. Please return this survey in the enclosed envelope to _____ by _____. If you have any questions, please call us at _____. Information you provide is subject to the Privacy Act and may be made available only to appropriate Federal, State and local agencies.

Thank you for your help.

SUMMARY OF TENANT INCOME DATA
(Required by Section 181 of the
Housing and Community Development Act of 1987)

DRAFT

IMPORTANT. READ THE INSTRUCTIONS BEFORE COMPLETING THIS FORM. HUD Field Office must complete Items 1-7. Owners must complete items 8-11 and owner's certification.

1. FHA Number/Section 8 Contract Number _____

2. Date Mortgage Assigned _____

3. Property Name _____

4. Property Address _____

5. Total Units in Project _____

6 _____ Number of Units in Section 8 Contract. **Attach listing of units by bedroom size.**

7. _____ Number of units occupied by tenants receiving Section 8 assistance on the date of assignment. These are tenants for whom a current HUD 50059 is on file. **Attach a listing of units, by bedroom size, that are occupied by Section 8 assisted tenants.**

8. _____ Number of tenants who receive Section 8 assistance under the Section 8 Existing Program or the Housing Voucher Program. (From Step 2 of the owners' worksheet in Attachment C.) Also include this number in the total in 9a below. (Use Steps 4 and 6 of the owners' worksheet to do this.)

9. Tenant Income Data from the tenant surveys returned (Attachment A) - Add up the number of units in each income category. For income categories 9a, b, and c, attach a listing of the units by bedroom size in each category.

   a. _____ Number of units occupied by unassisted tenants with incomes equal to or less than 50 percent of median income (From a in Step 6 of the owners' worksheet in Attachment C)

   b. _____ Number of units occupied by unassisted tenants with incomes between 51 percent and 80 percent of median income (From b in Step 6 of the owners' worksheet in Attachment C)

   c. _____ Number of units occupied by unassisted tenants with incomes between 81 percent and 95 percent of median income (From c in Step 6 of the owners' worksheet in Attachment C)

   d. _____ Number of units occupied by unassisted tenants with incomes between 96 percent and 120 percent of median income (From d in Step 6 of the owners' worksheet in Attachment C)

DRAFT

e. _____ Number of units occupied by unassisted tenants with incomes over 120 percent of median income (From e in Step 6 of the owners' worksheet in Attachment C)

f. _____ Number of units occupied by tenants who failed to respond to the survey. (From f in Step 6 of the owners' worksheet in Attachment C)

g. _____ Number of units vacant on date of assignment. (From Step 3 of the owners' worksheet in Attachment C)

10. _____ Total of 7, 9a, b, c, f and g.

11. _____ Total of 7, 9a and 9b.

Owners' Certification: I certify that this information has been compiled by the instructions provided by HUD and that the information on this summary is true and complete to the best of my knowledge.

_____ _____

Owner or Owner's Representative Date Signed

DRAFT

Optional Owner's Worksheet

Use this worksheet to complete Attachment B. It may be helpful to those owners who do not use an automated system to categorize the requested data.

Step 1
List tenants by unit number who failed to respond to survey. (Enter the total on Line 9f of Attachment B.)

Step 2
List tenants who receive assistance under the Section 8 Existing or Housing Voucher Programs. Enter the total on Line 8 of Attachment B and include this number in the total in Line 9a. To do this, add the number in Line 8 to the total for Line "a" in Step 6. Include in Step 5 the unit numbers and bedroom sizes for each certificate and voucher holder. (We are assuming that these tenants have incomes of median income.)

Step 3
List the number of units that were vacant on the date provided by the HUD field office in paragraph 2 of their letter. (Enter the total on Line 9g of Attachment B.)

Step 4
Using the chart provided by HUD, put each household's income in the appropriate category below. When this is done, total each category and then use Step 6 to transfer the data to Attachment B.

1	a	_____
	b	_____
	c	_____
	d	_____
	e	_____
2	a	_____
	b	_____
	c	_____
	d	_____
	e	_____
3	a	_____
	b	_____
	c	_____
	d	_____
	e	_____
4	a	_____
	b	_____
	c	_____
	d	_____
	e	_____
5	a	_____
	b	_____
	c	_____
	d	_____
	e	_____
6	a	_____
	b	_____
	c	_____
	d	_____
	e	_____

Step 5
List on a separate page the unit numbers and bedroom sizes for all households listed in a, b and c (e.,g., 1a, b, c, 2a, b, c, 3a, b, c, etc.) This list will be attached to the Summary you send to HUD. Be sure to include all household sizes.

Step 6
Total the categories in the chart below and transfer them to Line 9 of Attachment B.

a___	=1b___	+2b___	+3b___	+4b___	+5b___	+6b___
b___	=1b___	+2b___	+3b___	+4b___	+5b___	+6b___
c___	=1c___	+2c___	+3c___	+4c___	+5c___	+6c___
d___	=1d___	+2d___	+3d___	+4d___	+5d___	+6d___
e___	=1e___	+2e___	+3e___	+4e___	+5e___	+6e___

HUD-99348 (11/88)

[FR Doc. 89-2904 Filed 2-10-89; 8:45 am]
BILLING CODE 4210-01-C

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-89-1917; FR-2606]

Unutilized and Underutilized Federal Buildings and Real Property Determined by HUD To Be Suitable for Use for Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized and underutilized Federal property determined by HUD to be suitable for possible use for facilities to assist the homeless.

DATE: February 13, 1989.

ADDRESS: For further information, contact Morris Bourne, Director, Transitional Housing Development Staff, Room 9140, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 755-9075; TDD number for the hearing- and speech-impaired (202) 426-0015. (These telephone numbers are not toll-free.).

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless v. Veterans Administration*, D.C.D.C. No. 88-2503-OG, HUD is publishing this Notice to identify Federal buildings and real property that HUD has determined are suitable for use for facilities to assist the homeless. The properties were identified from information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies.

The court order requires HUD to take certain steps to implement section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), which sets out a process by which unutilized or underutilized Federal properties may be made available to the homeless. Under section 501(a), HUD is to collect information from Federal landholding agencies about such properties and then to determine, under criteria developed in consultation with the Department of Health and Human Services (HHS) and the Administration of General Services (GSA), which of those properties are suitable for facilities to assist the homeless. The court order requires HUD to publish, on a weekly basis, a Notice in the **Federal Register** indentifying property determined suitable.

The properties identified in this Notice may ultimately be available for use by public bodies and private nonprofit organizations to assist the homeless. For detailed information on the procedure under section 501(a) that must be followed to apply for use of today's properties, the reader should consult HUD's Notice published February 7, 1988 at 54 FR 6034.

The contacts for the controlling agencies of properties listed in today's Notice are as follows: U.S. Army: for military facilities: HQ-DA, Attn: DAEN-ZCI-P—Robert Conte, Room 1E671, Pentagon, Washington, DC 20360-2600 (202) 693-4583; for civil works projects: Bob Swieconek, HQ-US Army Corps of Engineers, Attn: CERE-MM, 20 Massachusetts Avenue NW., Washington, DC 20314-1000, (202) 272-1750; GSA: James Folliard, Federal Property Resources Services, GSA, 18th and F Streets NW., Washington, DC 20405, (202) 535-7067. (There are not toll-free telephone numbers.

Dated: February 6, 1989.

James E. Schoenberger,

General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

Suitable Buildings

VA Outpatient Clinic, 17 Court Street, Boston, MA, Land Holding Agency: GSA

USPO & Custom House, Christiansted, Saint Croix, VI, Land Holding Agency: GSA

Suitable land

Waurika Lake (Property 1), Jefferson County, OK, Land Holding Agency: Army

Waurika Lake (Property 2), Jefferson County, OK, Land Holding Agency: Army

Waurika Lake (Property 3), Jefferson County, OK, Land Holding Agency: Army

Waurika Lake (Property 4), Jefferson County, OK, Land Holding Agency: Army

Waurika Lake (Property 5), Jefferson County, OK, Land Holding Agency: Army

Waurika Lake (Property 6), Jefferson County, OK, Land Holding Agency: Army

Waurika Lake (Property 7), Jefferson County, OK, Land Holding Agency: Army

Waurika Lake (Property 8), Jefferson County, OK, Land Holding Agency: Army

Waurika Lake (Property 10), Jefferson County, OK, Land Holding Agency: Army

Waurika Lake (Property 11), Jefferson County, OK, Land Holding Agency: Army

Waurika Lake (Property 12), Jefferson County, OK, Land Holding Agency: Army

Waurika Lake (Property 13), Jefferson County, OK, Land Holding Agency: Army

Waurika Lake (Property 14), Jefferson County, OK, Land Holding Agency: Army

Waurika Lake (Property 15), Jefferson County, OK, Land Holding Agency: Army

Sardis Lake (Property 6), Latimer County, OK, Land Holding Agency: Army

Sardis Lake (Property 7), Latimer County, OK, Land Holding Agency: Army

Sardis Lake (Property 8), Latimer County, OK, Land Holding Agency: Army

Sardis Lake (Property 19), Latimer County, OK, Land Holding Agency: Army

Sardis Lake (Property 20), Latimer County, OK, Land Holding Agency: Army

Keystone Lake (Property 1), Tulsa County, OK, Land Holding Agency: Army

Keystone Lake (Property 2), Creek County, OK, Land Holding Agency: Army

Keystone Lake (Property 3), Creek County, OK, Land Holding Agency: Army

Keystone Lake (Property 4), Pawall County, OK, Land Holding Agency: Army

Kaw Lake (Property 7), Kay County, OK, Land Holding Agency: Army

Pat Mayse Lake (Property 2), Lamar County, TX, Land Holding Agency: Army

Pat Mayse Lake (Property 3), Lamar County, TX, Land Holding Agency: Army

Pat Mayse Lake (Property 4), Lamar County, TX, Land Holding Agency: Army

Pat Mayse Lake (Property 5), Lamar County, TX, Land Holding Agency: Army

Pat Mayse Lake (Property 7), Lamar County, TX, Land Holding Agency: Army

Pat Mayse Lake (Property 11), Lamar County, TX, Land Holding Agency: Army

Lake Texoma (Property 202), Grayson County, TX, Land Holding Agency: Army.

[FR Doc. 89-3182 Filed 2-10-89; 8:45 am]

BILLING CODE 4210-27-M

Office of Housing

[Docket No. N-89-1933]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: This Notice informs the public that the Department of Housing and Urban Development has submitted to OMB, for emergency processing, an information collection package with respect to the Flexible Subsidy Program—Capital Improvement Loan Program.

The information collection requirements in this package are the result of reinstatement of a previously approved collection for which approval has expired (section 201 of the Housing and Community Development Amendments of 1978, Pub. L. 95-557, (Approved October 31, 1978), and the amendments to the Flexible Subsidy Program of 1983, 1987 and that contained in section 1011 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, Pub. L. 100-628 (approved November 7, 1988). The Department was attempting, under section 1011 of the 1988 McKinney Act, to implement the capital improvement loan component of the program by February 6, 1989. In order to meet this statutory deadline, the Department requested OMB to complete its paperwork review of the Flexible Subsidy Program—Capital Improvement Loan Program interim rule by February 3, 1989. Any control number issued by OMB to cover this emergency situation would be valid for no more than 90 days.

To ensure that the public has an adequate opportunity to comment on these information collection requirements, HUD also intends to submit the Flexible Subsidy Program—Capital Improvement Loan Program interim rule to OMB for regular paperwork review. The public will then have an additional 60-day period in which to comment on the paperwork requirements.

The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Sec. 7(d) of the Department of Housing and Urban Development Act 42 U.S.C. 3535(d).

Date: February 8, 1989.

James E. Schoenberger,

General Deputy Assistant Secretary for Housing—Deputy Federal Housing Commissioner.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Flexible Subsidy Program—Capital Improvement Loan Program (FR 2541).

Office: Housing.

Description of the Need for the Information and Its Proposed Use: This information collection is necessary to enable the Department to assist owners in restoring or maintaining the financial soundness, improving management and maintaining the low to moderate income character of the troubled projects. Without this information collection there would be a greater number of defaults on insured loans and consequently greater losses to HUD's insurance fund.

Form Numbers:

HUD-9823A, Requisition for Advance of Flexible Subsidy Funds

HUD-9823B, Request for Transfer of Funds from Project Improvement Account

HUD-9824A, Quarterly Performance Report

Management Improvement and Operating (MIO) Plan

HUD-9835, Project Improvement Program, Action Items

HUD-9835A, Project Improvement Program, Management Objectives

HUD-9835B, Project Improvement Program, Sources and Uses of Funds.

Respondents: State or local governments, businesses or other for profit, non-profit institutions, small businesses or organizations.

Frequency of Submission: Monthly, quarterly, annually.

Reporting Burden:

Form No.	No. of respondents	Frequency of responses	Hours per response	Annual burden
9823A	40	12	¼ hr	120
9823B	40	4	¼ hr	40
9824A	40	4	1 hr	160
9835	40	1	4 hrs	160
	57	1	2 hrs	114
	3	1	4 hrs	12
9835A	40	1	4 hrs	160
	3	1	4 hrs	12
9835B	40	1	1 hr	40
	60	1	1 hr	60
				[1] 878

[1] Total estimated burden hours.

Status: New collection and revision of a previously approved collection for which approval has expired.

Contact: James J. Tahash, HUD, (202) 426–3944; John Allison, OMB, (202) 395–6880.

Date: February 8, 1989.

FR Doc. 89–3347 Filed 2–10–89; 8:45 am]

BILLING CODE 4210–01–M

INTERSTATE COMMERCE COMMISSION

[Section 5a Application No. 81; Amdt. 3 [1]]

New York Movers Tariff Bureau, Inc., Agreement

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision and request for comment.

SUMMARY: New York Movers Tariff Bureau, Inc. (NYB), has filed, under section 14(e) of the Motor Carrier Act of 1980 (MCA), an application for approval of its ratemaking agreement under 49 U.S.C. 10706(b). Since some modifications are required before the agreement receives final approval, and because new and complex questions are involved in determining whether the agreement is consistent with the MCA, the Commission solicits public comment on its interpretation and application of specific rate bureau provisions. Copies of NYB's proposed amended agreement are available for public inspection and copying at the Office of the Secretary, Interstate Commerce Commission, 12th St. and Constitution Ave., NW., Washington, DC 20423, and from NYB's representative: Alvin Altman, Brodsky, Linett, Altman, Schechter, & Reicher, 888 Seventh Ave., New York, NY 10019.

DATES: Comments from interested persons are due by March 15, 1989. Replies are due by March 30, 1989.

ADDRESS: An original and 10 copies, if possible, of comments referring to Section 5a Application No. 81 should be sent to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: James L. Brown, (202) 275–7898 or Richard Felder, (202) 275–7691. (TDD for hearing impaired: (202) 275–1721.)

SUPPLEMENTARY INFORMATION: We have provisionally approved NYB's agreement as consistent with 49 U.S.C. 10706(b) and *Motor Carrier Rate Bureaus—Imp. Pub. L. 96–296,* 364 I.C.C. 464 (1980) and 364 I.C.C. 921 (1981) (Rate Bureau), subject to certain modifications in the following subject areas: identification and description of member carriers; right of independent action; rate bureau protests; open meetings; proxy voting; quorum standards; final disposition of cases; single-line rates; general tariff increases or decreases; zone of rate freedom; committee membership; changes in bylaws; profitmaking functions; shipper affiliation; and mergers. We have also offered comments and imposed requirements concerning the agreement generally. NYB has been directed to file a revised agreement conforming to the imposed conditions within 120 days after service of the decision, and to comply with the required revisions pending final approval.

In light of the complexity of interpretation involved in determining whether the agreement is consistent with the MCA and *Rate Bureau,* we request applicant and other interested parties to comment on our interpretation of the controlling statutory and administrative criteria generally, and their application to NYB's agreement.

A copy of any comments filed with the Commission must also be served on NYB, which shall have 15 days after the expiration of the comment period to reply. These comments will be considered in conjunction with our review of the modifications that NYB must submit to the Commission as a condition precedent to final approval of its agreement.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write to, call, or pick up in person from: Office of the Secretary, Room 2215, Interstate Commerce Commission, Washington, DC 20423. Telephone: (202) 275–7428. (Assistance for the hearing impaired is available through TDD services (202) 275–1721.)

[1] Section 5 was recodified as section 10706.

Authority: 49 U.S.C. 10321 and 10706 and 5 U.S.C. 553.

Decided: February 3, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Andre, Lamboley, and Phillips.

Noreta R. McGee,

Secretary.

[FR Doc. 89–3288 Filed 2–10–89; 8:45 am]

BILLING CODE 7035–01–M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporations and address of principal office: The Penn Traffic Company, 319 Washington Street, Johnstown, Pennsylvania 15901.

2. Wholly-owned subsidiaries which will participate in the operations, and state of incorporation:

Subsidiary	State of incorporation
I. Quality Markets, Inc	New York
II. Sunrise Properties, Inc	Pennsylvania
III. Dairy Del, Inc	Do.
IV. R.M. Markets of Indiana, Inc	Do.
V. Riverside Markets Division of Penn Traffic.	Do.
VI. Johnstown Sanitary Dairy Division of Penn Traffic.	Do.
VII. P & C Food Markets, Inc	New York.

Noreta R. McGee,

Secretary.

[FR Doc. 89–3289 Filed 2–10–89; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–290 (Sub-No. 48X)]

Norfolk and Western Railway Co.; Abandonment Exemption; Between Lawrenceville and South Hill,VA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the prior approval requirements of 49 U.S.C. 10903, *et seq.,* the abandonment by Norfolk and Western Railway Company

of 21.8 miles of rail line between Lawrenceville and South Hill, VA, subject to standard labor protective conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on March 15, 1989. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by February 23, 1989, petitions to stay must be filed by February 28, 1989, and petitions for reconsideration must be filed by March 10, 1989. Requests for a public use condition must be filed by February 23, 1989.

ADDRESSES: Send pleadings, referring to Docket No. AB–290 (Sub-No. 48X), to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423 and

(2) Petitioner's representative: Roger A. Petersen, Norfolk Southern Corporation, One Commercial Place, Norfolk, VA 23510–2191.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275–7245. (TDD for hearing impaired: (202) 275–1721.)

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. (Assistance for the hearing impaired is available through TDD services (202) 275–1721.)

Decided: February 3, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Andre, Lamboley, and Phillips.

Noreta R. McGee,

Secretary.

[FR Doc. 89–3287 Filed 2–10–89; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Information Collections Under Review

February 7, 1989.

The Office of Management and Budget (OMB) has been sent the following proposals for the collection of information for review under the provisions of the Paperwork Reduction Act (44 USC Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories. Each entry contains the following information: (1) The title of the form or collection; (2) the agency form number, if any, and the applicable component of the Department sponsoring the collection; (3) how often the form must be filled out or the information is collected; (4) who will be asked or required to respond, as well as a brief abstract; (5) an estimate of the total number of respondents and the amount of time estimated for an average respondent to respond; (6) an estimate of the total public burden (in hours) associated with the collection; and (7) an indication as to whether section 3504(h) of Pub. L. 96–511 applies. Comments and/or suggestions regarding the item(s) contained in this notice, especially those regarding the estimated response time, should be directed to the OMB reviewer, Mr. Edward H. Clarke, on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Larry E. Miesse, on (202) 633–4312. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should so notify the OMB review and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Larry E. Miesse, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

Reinstatement of a Previously Approved Collection For Which Approval Has Expired

(1) VICTIMS OF CRIME ACT, CRIME VICTIM ASSISTANCE GRANT PROGRAM. PROGRAM PERFORMANCE REPORT (REVISED).

(2) Office for Victims of Crime, Office of Justice Programs.

(3) One-time, 90 days after completion of grant.

(4) State or local governments. The information requested is necessary to generate and submit a statutorily required report to the President and the Congress on the effectiveness of the Victims of Crime Act, as amended, and to ensure grantees' compliance with statutory criteria. The affected public includes up to 56 States and territories administering the crime victim assistance provisions of the Victims of Crime Act, as amended.

(5) 56 respondents at 24 hours per response, with 1 recordkeeping burden hour per respondent.

(6) 1,400 estimated annual burden hours.

(7) Not applicable under 3504(h).

Extension of the Expiration Date of a Currently Approved Collection Without Any Change in the Substance or in the Method of Collection

(1) DATA RELATING TO BENEFICIARY OF A PRIVATE BILL.

(2) G–79A, Immigration and Naturalizatioin Service.

(3) On occasion.

(4) Individuals or households. Information is needed to make report concerning private bills to the Congress when requested.

(5) 100 respondents at 1 hours per response.

(6) 100 estimated annual public burden hours.

(7) Not applicable under 3504(h).

(1) REPORT OF ALIEN PERSON INSTITUTIONALIZED.

(2) G–340, Immigration and Naturalization Service.

(3) On occasion.

(4) Individuals or households. This information is needed to determine deportability of aliens under section 241 of the Immigration and Nationality Act.

(5) 10,500 respondents at .25 hours each.

(6) 2,625 estimated annual public burden hours.

(7) Not applicable under 3504(h).

(1) ALIEN CREWMAN'S LANDING PERMIT.

(2) I–95A, Immigration and Naturalizaton Service.

(3) On occasion.

(4) Individuals or households. Vessel and air alien crewmen execute this form for permission to enter the United States as provided for in Sections 251 and 252 of the Immigration and Nationality Act.

(5) 300,000 respondents at .083 hours each.

(6) 24,900 estimated annual burden hours.

(7) Not applicable under 3504(h).

(1) REPORT OF STATUS TREATY TRADER OR INVESTOR I–126.

(2) I–126, Immigration and Naturalization Service.

(3) Annually.

(4) Individuals or households. This information is used to determine whether an alien admitted into the United States as a treaty trader or investor under Section 101(a)(15)(e) of the Immigration and Nationality Act is maintaining status.

[1] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987), and final rules published in the **Federal Register** on December 22, 1987 (52 FR 48440–48446).

(5) 45,000 respondents at .5 hours each.

(6) 22,500 estimated annual burden hours

(7) Not applicable under 3504(h).

(1) DEA/USMS/USSS DRUGS OF ABUSE CHAIN OF CUSTODY FORM.

(2) No form number, Drug Enforcement Administration.

(3) On occasion.

(4) Individuals or households. Information is needed to document and control the chain of custody for drug testing an individual selected for a job vacancy prior to actual employment under E.O. 12564, in order to maintain a drug-free workplace.

(5) 1,200 respondents at .083 hours each.

(6) 100 estimated annual burden hours.

(7) Not applicable under 3504(h).

(1) RECORD AND REPORTS OF REGISTRANTS: CHANGES IN RECORD REQUIREMENTS FOR INDIVIDUAL PRACTITIONERS.

(2) No form number, no form, Drug Enforcement Administration.

(3) On occasion.

(4) Individuals or households, businesses or other for-profit, non-profit institutions, small businesses or organizations. Information is neded to maintain a closed system of records by requiring the practitioner to keep records of (1) complimentary samples of controlled substances dispensed to patients, and (2) narcotic and non-narcotic controlled substances which are both administered and dispensed to patients.

(5) 500 respondents at .5 hours each, 100,000 recordkeepers at .5 hours each.

(6) 50,250 estimated annual burden hours.

(7) Not applicable under 3504(h).

Reinstatement of a Previously Approved Collection For Which Approval Has Expired

(1) ADJUSTMENT OF STATUS DATA.

(2) I–643, Immigration and Naturalization Service.

(3) On occasion.

(4) Individuals or households. This information is required by 8 USC 1522(a)(8) on situation of refugees at time of adjustment to lawful permanent residents of the United States. The data is used by the Office of Refugee Resettlement at the Department of Health and Human Services for a report to the Congress as required by 8 USC 1523.

(5) 150,000 respondents at .166 hours each.

(6) 24,900 estimated annual burden hours.

(7) Not applicable under 3504(h).

New Collections

(1) THE REUNIFICATION OF MISSING CHILDREN.

(2) No form number, Office of Juvenile Justice and delinquency Prevention. Office of Justice Program.

(3) One time.

(4) State or local governments, individuals or households. This information is needed to develop, test and disseminate information on model programs for reunifying missing children with their families.

(5) 200 respondents at .453 hours each.

(6) 92 estimated annual burden hours.

(7) Not applicable under 3504(h).

(1) CRIME VICTIM ASSISTANCE GRANT PROGRAM, SUBGRANT AWARD REPORT (Revised).

(2) OJP–7390. Office for Victims of Crime, Office of Justice Programs.

(3) Other—30 days after grant is made.

(4) State or local governments. The information requested is necessary to generate and submit a statutorily required report to the President and the Congress on the effectiveness of the Victims of Crime Act and the program guidelines. The affected public includes up to 56 states and territories administering the crime victim assistance provisions of the Victims of Crime Act victim assistance grant program.

(5) 1,512 respondents at .5 hours each, 56 recordkeepers at 13.5 hours each.

(6) 1,512 estimated annual burden hours.

(7) Not applicable under 3504(h).

Larry E. Miesse,

Department Clearance Officer, Department of Justice.

[FR Doc. 89–3290 Filed 2–10–89; 8:45 am]

BILLING CODE 4410–10–M

Lodging of Consent Decree Pursuant to the Clean Water Act; Boyd

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on February 3, 1989 a proposed Consent Decree in *United States* v. *Boyd* was lodged with the United States District Court for the District of Maryland. The proposed decree arises out of a case alleging liability for costs incurred by the Environmental Protection Agency in conducting an emergency removal action, pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq., in response to releases of hazardous substances at the Security Boulevard site located in Baltimore County, Maryland. The proposed decree resolves the alleged liability of three defendants in this proceeding who were the owners of a portion of the contaminated site, Francis and Doris Doran and Gilran Lighting Products, Inc., by providing for their payment to the United States of $15,000 in three installments.

The Department of Justice will receive for a period of thirty (30) days from the date of publication of this notice comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Boyd*, 90–11–3–264.

The proposed Consent Decree may be examined at the Office of the United States Attorney, District of Maryland, 101 Lombard Street, Baltimore, Maryland 21201, at the office of Region III of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia 19107, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Rm. 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.90 for reproduction costs, payable to the "Treasurer of the United States."

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89–3232 Filed 2–10–89; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Clean Air Act; Tuscan Dairy Farms, Inc., et al.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a consent decree in *United States* v. *Tuscan Dairy Farms, Inc., et al.*, was lodged in the United States District Court for the Eastern District of New York on January 31, 1989.

The decree concerns alleged violations of the National Emission Standard for Hazardous Air Pollutants ("NESHAP") for asbestos, codified at 40 CFR Part 61, and the Clean Air Act, 42 U.S.C. 7401, *et seq.*, in connection with a building renovation in Lindenhurst, Long Island, New York. The decree, among other things, requires the defendants to

comply with the Clean Air Act and the asbestos NESHAP regulations. The decree also requires payment of a $15,120 civil penalty for past violations.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the decree. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to the *United States* v. *Tuscan Dairy Farms, Inc., et al.*, D.J. No. 90-5-2-1-1253.

The decree may be examined at the Office of the United States Attorney, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, 11201, the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278, and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-3233 Filed 2-10-89; 8:45 am]

BILLING CODE 4410-01-M

[AAG/A Order No.28-89]

Privacy Act of 1974; New System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), notice is given that the Department of Justice, Justice Management Division (JMD) proposes to establish a new system of records entitled "Debt Collection Management System, JUSTICE/JMD-006." This system is established to enable JMD to provide automated litigation support to and administrative management of a program which will allow the U.S. Attorneys (USAs) and contract private counsel to pursue the collection of indebtedness owed the United States. A separate system of records entitled "Debt Collection Enforcement System, JUSTICE/USA-015," is being established to cover the records maintained by the USAs and contract private counsel. Notice of the establishment of the Debt Collection Enforcement System is also published in today's **Federal Register.**

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be provided a 30-day period in which to comment on the routine uses of a new system; the Office of Management and Budget (OMB), which has oversight responsibilities under the Act, requires that it be given a 60-day period in which to review the system.

Therefore, please submit any comments by March 15, 1989. The public, OMB, and Congress are invited to send written comments to Robert N. Ford, Deputy Assistant Attorney General, Debt Collection Management, Justice Management Division, Department of Justice, Room 1121, Washington, DC 20530.

In accordance with Privacy Act requirements, the Department of Justice has provided a report on the proposed system to OMB and the Congress.

Date: February 3, 1989.

Harry H. Flickinger,

Assistant Attorney General for Administration.

JUSTICE/JMD-006

SYSTEM NAME:

Debt Collection Management System, JUSTICE/JMD-006

SYSTEM LOCATION:

Department of Justice, Justice Management Division (JMD), Central Intake Facility (CIF), 1110 Bonifant Street, Suite 220, Silver Spring, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons indebted to the United States who have allowed their debts to become delinquent and whose debts have been sent by client Federal agencies to the Department of Justice for settlement or enforced collection through litigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains records relating to the negotiation, compromise, settlement, and litigation of indebtedness owed the United States. Records will consist of an automated support data base and temporary custody of case files. Case files are assigned promptly to a U.S. Attorney (USA) or contract private counsel to undertake enforced debt collection action. This system describes case files during the period which they are in the possession of the JMD, CIF. Upon assignment of a case file to the USA or contract private counsel, the case is covered by the Debt Collection Enforcement System, JUSTICE/USA-015.

The client agency case file includes such documents as the Claims Collection Litigation Report; Certificate of Indebtedness; any partial payment records, status reports, correspondence, and any other documentation developed during the negotiation of the indebtedness.

The automated data base contains data extracted from the case file and any data generated or developed to support the administrative operations of the debt collection program. Information may include personal data, e.g., name, social security number, date of birth, and locator information; claim information, e.g., type of claim such as benefit overpayment, loan default, bankruptcy, etc.; payment demand information, compromise offered, etc.; account information, e.g., debtor payments including principal, penalties, interests, and balances, etc.; information regarding debtor's employment, ability to pay, property liens, etc.; value of claim, name of source agency which provided the loan or benefit; information on the status and disposition of cases at various intervals of time; and any other information related to the negotiation, compromise, settlement, or litigation of indebtedness owed the United States, or to the administrative management of the debt collection program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Federal Debt Recovery Act of 1986, 31 U.S.C. 3718(b).

PURPOSE OF THE SYSTEM:

The Federal Debt Recovery Act authorizes the Attorney General to contract with private counsel to assist the USAs in the collection of consumer and commercial debts owed the United States on a pilot project basis. Accordingly, the Department is participating in a pilot program in ten judicial districts and has established this system of records to provide automated litigation support to and administrative management of a debt collection program which allows the assignment of client Federal agency case files to USAs and contract private counsel to pursue the collection of indebtedness owed the United States. A separate system of records entitled "Debt Collection Enforcement System, JUSTICE/USA-015" has been established to cover records maintained by the USAs and contract private counsel in support of debt collection activities.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the course of its collection and enforcement activities, the Department

will release client Federal agency case files to the CIF to conduct the administrative operations of the debt collection program. Through the administrative operations of the CIF, the Department will release the case files and any related records or information created by the CIF to the contract private counsel to negotiate, settle, and litigate indebtedness owed the United States.

The Department may also disclose records or information from this system as follows:

(a) To client agencies who have referred debt collection cases to the Department for settlement or litigation and enforced collection to notify such agencies of the status of the case or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case.

(b) To a Federal agency in response to its request and in connection with hiring or retention of an employee, the issuance of the required security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

(c) In a proceeding before a court or adjudicative body before which the Department or contract private counsel who are authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the Department or contract private counsel to be arguably relevant to the litigation: (1) The Department, or any subdivision thereof, or contract private counsel, or (2) any employee of the Department or contract private counsel in his or her official capacity or (3) any employee of the Department or contract private counsel in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (4) the United States, where the Department or contract private counsel determines that the litigation is likely to affect the Department or any of its subdivisions.

(d) To volunteer student workers and students working under a college work-study program as is necessary to enable them to perform their function;

(e) To employees or to contract personnel to access the records for Privacy Act training purposes.

(f) To (1) a Federal agency which employs the individual to enable the employing agency to offset the individual's salary; (2) a Federal, State, local or foreign agency, an organization, including a consumer reporting agency, or individual to elicit information to assist the Department in the settlement or effective litigation and enforced collection of the overdue debt; and (3) the Internal Revenue Service (IRS) to enable that agency to offset the individual's tax refund. Records provided to the IRS may be used in a computer matching program to identify individuals who are entitled to refunds against which such offset for overdue debts would be appropriate.

(g) To the news media and the public pursuant to 28 CFR 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(h) To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

(i) To the National Archives and Records Administration and to the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISCLOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case files are stored in locked rooms; automated data is stored on magnetic tape.

RETRIEVABILITY:

Data is retrieved by name of debtor.

SAFEGUARDS:

Access to records is restricted to those personnel who must have access to perform their duties and is limited to those cases assigned. Case files are maintained separately in locked rooms during non-duty hours. Access to automated data requires the use of the proper password and user identification code.

RETENTION AND DISPOSAL:

Paper records in this system will be returned to client Federal agencies for disposition; automated information will be erased ten years after the related case files reported in the Debt Collection Enforcement System, JUSTICE/USA–015 have been closed. (Pending approval of the National Archives and Records Administration.)

SYSTEM MANAGER AND ADDRESS:

Deputy Assistant Attorney General, Debt Collection Management, Justice Management Division, Department of Justice, Washington, D.C. 20530.

NOTIFICATION PROCEDURE:

Address inquiries to Deputy Assistant Attorney General, Debt Collection Management, Justice Management Division, Department of Justice, Washington, D.C. 20530.

RECORDS ACCESS PROCEDURES:

Address requests for access to Deputy Assistant Attorney General, Debt Collection Management, Justice Management Division, Department of Justice, Washington, D.C. 20530. Clearly mark the envelope "Privacy Access Request." Include in the request the debtor's name, date of birth, address, and any other identifying information which may be of assistance in locating the record, e.g., name of the case or Federal agency to whom the debtor is indebted. In addition, include notarized signature of the debtor as well as the name and address of the individual to receive the information if other than the debtor.

CONTESTING RECORDS PROCEDURES:

Address requests to Deputy Assistant Attorney General, Debt Collection Management, Justice Management Division, Department of Justice, Washington, D.C. 20530. State clearly and concisely the information being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORDS SOURCE CATEGORIES:

The individuals covered by the system; client agencies of the Department to whom the individual is indebted; an attorney or other representative for the debtor and/or payor; any Federal, State, local, foreign, private organization or individual who may have information relating to the debt, the debtor's ability to pay or any other information relevant and necessary to assist in the settlement or effective litigation and enforced collection of the debt.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 89–3231 Filed 2–10–89; 8:45am]

BILLING CODE 4410–01–M

[AAG/A Order No. 29–89]

Privacy Act of 1974; New System of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), notice is given that the Department of Justice, Executive Office for United States Attorneys, proposes to establish a new system of records

entitled "Debt Collection Enforcement System, JUSTICE/USA-015." This system is established to enable the United States Attorneys and contract private counsel to undertake legal enforcement proceedings to collect indebtedness owed the United States. A separate system of records entitled "Debt Collection Management System, JUSTICE/JMD-006," is being established to provide litigation support to and administrative management of the debt collection program. Notice of the establishment of the Debt Collection Management System is also published in today's **Federal Register.**

Title 5 U.S.C. 552a(e)(4) and (11) provide that the public be provided a 30-day period in which to comment on the routine uses of a new system; the Office of Management and Budget (OMB), which has oversight responsibilities under the Act, requires that it be given a 60-day period in which to review the system.

Therefore, please submit any comments by March 15, 1989. The public, OMB, and Congress are invited to send written comments to Robert N. Ford, Deputy Assistant Attorney General, Debt Collection Management, Justice Management Division, Department of Justice, Room 1121, Washington, DC 20530.

In accordance with Privacy Act requirements, the Department of Justice has provided a report on the proposed system to OMB and the Congress.

Date: February 3, 1989.

Harry H. Flickinger,

Assistant Attorney General for Administration.

JUSTICE/USA-015

SYSTEM NAME:

Debt Collection Enforcement System, JUSTICE/USA-015.

SYSTEM LOCATIONS:

Department of Justice, United States Attorneys, Offices listed below:

—Central District of California, 312 N. Spring Street, Los Angeles, California 90012.
—Eastern District of New York, U.S. Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201.
—Southern District of Florida, 155 South Miami Avenue, Miami, Florida 33130.
—Eastern District of Michigan, 817 Federal Building, 231 Lafayette, Detroit, Michigan 48226.
—Southern District of Texas, P.O. Box 61129, Houston, Texas 77208.
—District of Columbia, Judiciary Center Building, 555 4th Street, N.W., Washington, DC 20001.
—Middle District of Florida, Robert Timberlake Building, Room 410, 500 Zack Street, Tampa, Florida 33602.
—Middle District of Georgia, P.O. Box U, Macon, Georgia 31202.
—Western District of Louisiana, Room 3B12, Federal Building, Shreveport, Louisiana 71101.
—District of New Jersey, Federal Building, 970 Broad Street, Room 502, Newark, New Jersey 07102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons indebted to the United States who have allowed their debts to become delinquent and whose delinquent debts have been assigned by the Department's Justice Management Division (JMD) to a U.S. Attorney (USA) or contract private counsel for settlement or enforced collection through litigation.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains records relating to the negotiation, compromise, settlement, and litigation of indebtedness owed the United States. Records consist of a case file and automated support data.

The case file includes such documents as the Claims Collection Litigation Report; Certificate of Indebtedness; Satisfaction of Judgment or Certificate of Discharge; Court and related legal documents such as consent judgments, orders, briefs, pleadings and settlement agreements; status reports, and correspondence, and any other documentation developed during the negotiation, compromise, settlement and/or litigation of the indebtedness.

The automated data base contains data extracted from the case file and any data generated or developed to support the administrative operations of the debt collection program. Information may include personal data, e.g., name, social security number, date of birth, and locator information; claim information, e.g., type of claim such as benefit overpayment, loan default, bankruptcy, etc.; payment demand information, compromise offered, etc.; account information, e.g., debtor payments including principal, penalties, interests, and balances, etc.; information regarding debtor's employment, ability to pay, property liens, etc.; value of claim, name of source agency which provided the loan or benefit; information on the status and disposition of cases at various intervals of time; and any other information related to the negotiation, compromise, settlement, or litigation of indebtedness owed the United States, or to the administrative management of the debt collection program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Federal Debt Recovery Act of 1986, 31 U.S.C. 3718(b).

PURPOSE OF THE SYSTEM:

The Federal Debt Recovery Act authorizes the Attorney General to contract with private counsel to assist the USAs in the collection of consumer and commercial debts owed the United States on a pilot project basis. Accordingly, the Department is participating in a pilot program in ten judicial districts and has established this system of records to implement the program. This system of records is maintained under contract on behalf of the Department by selected private counsel in the ten judicial districts who, along with the Department's USAs, maintain records and furnish legal services in the negotiation, settlement, and litigation of indebtedness owed the United States. A separate system of records entitled "Debt Collection Management System, JUSTICE/JMD-006" has been established to cover records maintained by JMD to provide automated litigation support to and administrative management of the program.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the course of its collection and enforcement activities, the Department will release client Federal agency case files and any related records or information created by the Department to contract private counsel to negotiate, settle, and litigate indebtedness owed the United States.

In the course of its collection and enforcement activities, or during the course of a trial or hearing or preparation for a trial or hearing, the Department through contract private counsel in the selected judicial districts, or through its own USAs in those districts, may disclose records or information from this system as follows:

(a) In any case in which there is an indication of a violation or potential violation of law, civil or regulatory in nature—to the appropriate Federal, State, local or foreign agency charged with the responsibility of investigating, defending or pursuing such violation, civil claim or remedy, or charged with enforcing, defending or implementing such law.

(b) To a Federal, State, local, or foreign agency or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information

relating to the debt, the debtor's ability to pay, or relating to any other matter which is relevant and necessary to the settlement, effective litigation and enforced collection of the debt, or relating to the civil action trial or hearing, and the disclosure is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an agency.

(c) To an actual or potential party, or to his or her attorney, for the purpose of negotiation or discussion on such matters as settlement of the case or matter, or informal discovery proceedings.

(d) To client agencies who have referred debt collection cases to the Department for settlement or litigation and enforced collection to notify such agencies of the status of the case or of any decision or determination that has been made, or to make such other inquiries and reports as are necessary during the processing of the case.

(e) To a Federal agency in response to its request and in connection with hiring or retention of an employee, the issuance of the required security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information relates to the requesting agency's decision on the matter.

(f) To volunteer student workers and students working under a college work-study program as is necessary to enable them to perform their duties.

(g) To employees or to contract personnel to access the records for Privacy Act training purposes.

(h) In a proceeding before a court or adjudicative body before which the Department or contract private counsel is authorized to appear when any of the following is a party to litigation or has an interest in litigation and such records are determined by the Department or contract private counsel to be arguably relevant to the litigation: (1) The Department, or any subdivision thereof, or contract private counsel, or (2) any employee of the Department or contract private counsel in his or her official capacity or (3) any employee of the Department or contract private counsel in his or her individual capacity where the Department has agreed to represent the employee, or (4) the United States, where the Department or contract private counsel determines that the litigation is likely to affect the Department or any of its subdivisions.

(i) In a proceeding before a court or adjudicative body before which the Department or contract private counsel is authorized to appear, when the United States, or any agency or subdivision thereof, is a party to litigation or has an interest in litigation and such records are determined by the Department or contract private counsel to be arguably relevant to the litigation.

(j) To (1) a Federal agency which employs the individual to enable the employing agency to offset the individual's salary; (2) a Federal, State, local or foreign agency, an organization, including a consumer reporting agency, or individual to elicit information to assist the Department in the settlement or effective litigation and enforced collection of the overdue debt; and (3) the Internal Revenue Service (IRS) to enable that agency to offset the individual's tax refund. Records provided to the IRS may be used in a computer matching program to identify individuals who are entitled to refunds against which such offset for overdue debts would be appropriate.

(k) To the news media and the public pursuant to 28 C.F.R. 50.2 unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(l) To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

(m) To the National Archives and Records Administration and to the General Services Administration in records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

NOTICE OF DISCLOSURE UNDER SUBSECTION (B)(12) OF THE PRIVACY ACT:

Records relating to individuals who owe a past-due debt to the United States may be disseminated to consumer reporting agencies to encourage payment of the past-due debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case files are stored in locked rooms; automated data is stored on magnetic tape.

RETRIEVABILITY:

Data is retrieved by name of debtor.

SAFEGUARDS:

Access to records is restricted to those Department and contract employees who must have access to perform their settlement or litigation and enforced collection activities, and/or administrative responsibilities. Case files are maintained separately in locked rooms during non-duty hours. Access to automated data requires the use of the proper password and user identification code. Access by contract private counsel is restricted to those cases assigned.

RETENTION AND DISPOSAL:

Case files will be destroyed and automated information will be erased ten years after close of case. (Pending approval of the National Archives and Records Administration.)

SYSTEM MANAGER AND ADDRESS:

System Manager is the Administrative Officer/Assistant for the U.S. Attorney in each of the ten judicial districts named under "System Locations."

NOTIFICATION PROCEDURE:

Address inquiries to the System Manager of the judicial district in which collection efforts have been initiated. (See "System Locations.")

RECORDS ACCESS PROCEDURES:

Address requests for access to the System Manager of the judicial district in which collection efforts have been initiated. (See "System Locations.") Clearly mark the envelope "Privacy Access Request." Include in the request the debtor's name, date of birth, address, and any other identifying information which may be of assistance in locating the record, e.g., name of the case or Federal agency to whom the debtor is indebted. In addition, include notarized signature of the debtor as well as the name and address of the individual to receive the information if other than the debtor.

CONTESTING RECORD PROCEDURES:

Address requests to the System Manager of the judicial district in which collection efforts have been initiated. (See "System Locations.") State clearly and concisely the information being contested, the reasons for contesting it, and the proposed amendment to the information.

RECORDS SOURCE CATEGORIES:

The individuals covered by the system; client agencies of the Department to whom the individual is indebted; an attorney or other representative for the debtor and/or payor; any Federal, State, local, foreign, private organization or individual who may have information relating to the debt, the debtor's ability to pay or any other information relevant and necessary to assist in settlement or

effective litigation and enforced collection of the debt.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 89-2230 Filed 2-10-89; 8:45 am]

BILLING CODE 4410-01-M

[AAG/A Order No. 30-89]

Privacy Act of 1974; Removal of a System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Criminal Division is removing a system of records entitled "Records on Persons Who Have Outstanding and Uncollected Federal Criminal Fines or Federal Bond Forfeitures, JUSTICE/CRM-016." The system was originally established to assist the United States Attorneys in locating persons whose addresses were unknown and who had outstanding and uncollected Federal criminal fines or Federal bond forfeitures. Since the Criminal Division no longer provides this assistance to the United States Attorneys and the records retention period established by the National Archives and Records Administration for these records has expired, the records have been destroyed in accordance with General Records Schedule NCI-60-78-1, item 33. Accordingly, the system as published in the **Federal Register** on December 11, 1987, (52 FR 47195), is removed from the Department's compilation of Privacy Act systems.

Date: February 2, 1989.

Harry H. Flickinger,

Assistant Attorney General for Administration.

[FR Doc. 89-3234 Filed 2-10-89; 8:45 am]

BILLING CODE 7710-01-M

Antitrust Division

Proposed Termination of Final Judgment; A.B. Dick Co., et al.

Notice is hereby given that A.B. Dick Company, A.B. Dick Company of Canada, Ltd., and Edison Dick ("defendants") have filed with the United States District Court for the Northern District of Ohio a motion to terminate the final judgment in *United States v. A.B. Dick Company, et al.*, Civil Action No. 24188; and the Department of Justice ("Department"), in a stipulation also filed with the court, has consented to termination of the judgment, but has reserved the right to withdraw its consent pending receipt of public comments. The complaint in this case (filed on July 22, 1956) alleged that defendants and others had monopolized the market for stencil duplicating machines and stencil duplicating supplies in the United States. The judgment (entered on March 25, 1948) enjoins defendants from: (1) Allocating product or geographic markets, fixing prices, limiting exports, imports, or production, or restricting third parties' access to the stencil duplicating market or to raw materials; (2) selling stencil duplicating machines or supplies at unreasonably low prices, or engaging in price discrimination; (3) discriminating among customers in the furnishing of repair services or imposing tying arrangements on customers that require purchasers of defendants' stencil duplicating machines to use defendants' stencil duplicating supplies, or vice versa; (4) acquiring information about a competitor's products except in the normal course of business, or tampering with or defaming a competitor's products; (5) suppressing evidence as to the validity or invalidity of any patents relating to stencil duplicating products; and (6) coercing dealers or distributors into carrying A.B. Dick products exclusively. The judgment requires defendants to take the following actions: (1) To terminate, upon 30 days' written notice, the contract of any dealer or distributor who discriminates against the owners of A.B. Dick machines for using non-Dick suppliers, or influences a consumer's choice of stencil duplicating machine by any unfair means; (2) to notify the Antitrust Division of any amendments to its standard Distributor Sales and Customer Service contract 30 days before the proposed change is effective.

The Department has filed with the court a memorandum setting forth the reasons why the Department believes that termination of the judgment would serve the public interest. Copies of the complaint and final judgment, the defendants' motion papers, the stipulation containing the government's consent, the Department's memorandum and all further papers filed with the court in connection with this motion will be available for inspection at Room 3233, Antitrust Division, Department of Justice, 10th Street and Pennsylvania Avenue NW., Washington, DC 20530 (telephone 202-633-2481), and at the office of the Clerk of the United States District Court for the Northern District of Ohio, U.S. Courthouse, 201 Superior Avenue, Cleveland, Ohio 44114 (telephone 216-522-4356). Copies of any of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the Decree to the Department. Such comments must be received within the sixty day period established by court order, and will be filed with the court. Comments should be addressed to: P. Terry Lubeck, Chief, Litigation II Section, Antitrust Division, Department of Justice, Washington, DC 20530 (telephone 202-724-7966).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 89-3306 Filed 2-10-89; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 88-75]

Billy's Pharmacy, Bedford, VA; Hearing

Notice is hereby given that on July 16, 1988, the Drug Enforcement Administration, Department of Justice, issued to Billy's Pharmacy, an Order to Show Cause as to why the Drug Enforcement Administration should not revoke your DEA Certificate of Registration, AB2125119, and deny any pending application for renewal.

Thirty days having elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Wednesday, March 1, 1989, commencing at 10:00 a.m. at the United States Claims Court, 717 Madison Place NW., Courtroom No. 10, Room 309, Washington, DC.

Dated: February 7, 1989.

John C. Lawn,

Administrator, Drug Enforcement Administration.

[FR Doc. 89-3256 Filed 2-10-89; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 88-80]

The Prescription Shoppe; Revocation of Registration and Denial of Application

On August 25, 1988, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to The Prescription Shoppe (Respondent), of 60 Lockwood Drive, Charleston, South Carolina, proposing to revoke the pharmacy's DEA Certificate of Registration, AP5316787 (previously issued to Marvin Gilbert, R.Ph., then owner of The Prescription Shoppe). The Order to

Show Cause also proposed to deny the pharmacy's pending application for a new registration, executed on November 21, 1986, by Kellie Lee Kays, R.Ph., on behalf of Toni Marie Gilbert (the wife of Marvin Gilbert). The ground for the issuance of the Order to Show Cause was that the pharmacy's registration was inconsistent with the public interest. Respondent filed a timely request for hearing on the issue raised in the Order to Show Cause, and the matter was placed on the docket of Administrative Law Judge Mary Ellen Bittner.

After the issuance of the Order to Show Cause, it was discovered that DEA Certificate of Registration BT1190103 was inadvertently issued to the pharmacy following the submission of yet another application for registration executed by TMS, Inc., a corporation wholly owned by Toni Marie Gilbert. The Government subsequently amended the original Order to Show Cause to include this new registration in the revocation proceeding.

The Government timely filed its prehearing statement in accordance with the Administrative Law Judge's order for prehearing statements. In that order, the Administrative Law Judge cautioned that a failure to file a prehearing statement "may be considered a waiver of hearing and an implied revocation of a request for hearing." Respondent did not file any prehearing statement. As a result, on December 2, 1988, the Administrative Law Judge issued a Memorandum to Counsel requesting the Government to advise her office as to how it intended to proceed with respect to further prosecution in the matter. Respondent then submitted a Motion to Dismiss and Waiver of Hearing, apparently in response to the Memorandum to Counsel. In its motion, Respondent asserted that it had "filed for relief under Chapter 7 of the Bankruptcy Code" and that, therefore, "further administrative action in this matter is redundant and moot." On December 12, 1988, Government counsel filed a response to the Memorandum to Counsel and Respondent's Motion to Dismiss and Waiver of Hearing, requesting that the Administrative Law Judge terminate the proceedings before her based upon Respondent's express waiver of hearing and failure to file a prehearing statement. Government counsel also requested that the Administrative Law Judge deny Respondent's Motion to Dismiss on the ground that once an Order to Show Cause is issued, a registrant cannot unilaterally render the proceeding moot and avoid a final determination in the show cause proceeding. Citing precedent in *Park & King Pharmacy*, Docket No. 86-6, 52 FR 13136 (1987), on December 16, 1988, the Administrative Law Judge denied Respondent's Motion to Dismiss. She also determined that Respondent had waived its opportunity for a hearing in the matter and terminated the proceeding before her so that the matter could be presented to the Administrator for entry of a final order in accordance with 21 CFR 1301.54(e).

After careful consideration of the entire record in this proceeding, the Administrator makes the following findings in determining that the pharmacy's registrations should be revoked and the pending application should be denied. The Prescription Shoppe was previously owned and operated by Marvin Gilbert, R.Ph. In 1986, Special Agents from the DEA Charleston Resident Office received reliable information that Mr. Gilbert had unlawfully sold morphine sulfate tablets to individuals not pursuant to valid physicians' prescriptions. Based upon that information and the results of a subsequent investigation, Mr. Gilbert was indicted in September 1986, on charges of unlawful distribution of controlled substances and falsification of records. On February 12, 1987, in the United States District Court for the District of South Carolina, Charleston Division, Mr. Gilbert was convicted of one count of unlawful distribution of a controlled substance, to wit: morphine sulfate, in violation of 21 U.S.C. 841(a)(1), a felony offense relating to controlled substances. 21 U.S.C. 824(a)(2). Mr. Gilbert was sentenced to a five year term of imprisonment to be followed by a three year special parole term.

On June 24, 1986, DEA Special Agents and investigators served a Federal search warrant on Marvin Gilbert at The Prescription Shoppe. The pharmacy's Schedule II controlled substance prescription files and prescription log book were seized pursuant to the warrant. A review of the seized records revealed that Mr. Gilbert short-filled and and altered a number of controlled substance prescriptions to conceal his illegal activities. In addition, he had filled prescriptions for Brompton's Cocktail solution and extra-strength morphine sulfate elixir without any indication on the prescriptions of how they were compounded. There was no indication as to the quantity or strength of the drugs he used in compounding these preparations.

Following his indictment, Mr. Gilbert transferred his ownership interest in The Prescription Shoppe to his wife, Toni Marie Gilbert. Mrs. Gilbert also purchased the ownership interest previously held by Richard T. Brock, a minority shareholder. As a result of these transactions, Mrs. Gilbert gained exclusive control of the pharmacy.

On November 21, 1986, an application for a new registration for the pharmacy was executed by Kellie Lee Kays, R.Ph., on behalf of Toni Marie Gilbert. At that time, South Carolina Board of Pharmacy records indicated that Mr. Gilbert remained the owner of The Prescription Shoppe. On the same date, Mrs. Gilbert submitted a new pharmacy permit application to the South Carolina Board of Pharmacy. In that application, she listed herself and Richard T. Brock as corporate officers of The Prescription Shoppe Ltd. of South Carolina. Also on the same date, Mrs. Gilbert submitted an application for a state controlled substance registration to the South Carolina Department of Health and Environmental Control (DHEC). The state pharmacy permit was approved on December 4, 1986. The DHEC informed Mrs. Gilbert that her application for registration would not be approved for the existing corporation. Mrs. Gilbert's application for a new DEA registration is a subject of this proceeding.

On April 30, 1987, Mrs. Gilbert filed articles of incorporation for TMS, Inc. Mrs. Gilbert was the corporation's sole stockholder and she and Sonia M. Botzis, her sister, were listed as corporate directors. The listed address for the corporation was the same as that of The Prescription Shoppe. Mrs. Gilbert, acting for TMS, Inc., reapplied for and was granted a state controlled substance registration. The corporation also received a new state pharmacy permit. On November 13, 1987, using the new corporate name, Mrs. Gilbert executed another application for registration with the Drug Enforcement Administration. A new DEA registration, BT1190103, was inadvertently issued to TMS, Inc., on December 3, 1987. this registration is also a subject of this proceeding.

On October 29, 1987, Marvin Gilbert entered into a Consent Order with the South Carolina Board of Pharmacy in which Mr. Gilbert voluntarily surrendered his state license to practice pharmacy and agreed not to petition the board for reinstatement for at least one year after his release from prison. Mr. Gilbert was released from prison in 1988.

After careful consideration of the record herein the Administrator

concludes that DEA Certificates of Registration AP5316787 and BT1190103 must be revoked and Mrs. Gilbert's pending application for registration must be denied.

With respect to DEA Certificate of Registration AP5316787, previously issued to Marvin Gilbert, the Administrator finds that Mr. Gilbert's felony conviction relating to controlled substances provides a sufficient basis to revoke that registration. See *Jefferson Pharmacy, Inc.*, Docket No. 86–96, 53 FR 13200 (1988) and *Robert Hozdish, d/b/a Meyer Pharmacy*, 53 FR 13338 (1988). In addition, evidence concerning Mr. Gilbert's falsification and alteration of controlled substance prescriptions and other records, in violation of Federal and state laws and regulations, clearly demonstrate that his continued registration would be inconsistent with the public interest.

The Administrator finds that DEA Certificated of Registration BT1190103, previously issued to TMS, Inc., must also be revoked and the pending application for registration must be denied. The pharmacy's registration under the current ownership scheme is contrary to the public interest. Mr. Gilbert transferred ownership of the pharmacy to his wife only after he was criminally indicted on controlled substance charges and feared losing the business. Such transfers to close family members are highly suspect and rarely are considered valid arms-length transactions. In this case, the transfer between husband and wife can hardly constitute a valid transaction. First, evidence in the record indicates that although Mrs. Gilbert is not registered pharmacist, she assisted her husband in the day-to-day operation of The Prescription Shoppe during the times Mr. Gilbert unlawfully sold morphine sulfate tablets and altered his prescription records. As his wife, she profited from Mr. Gilbert's wrongdoing. Since Mr. Gilbert's release from prison, he has been free to influence the operation and management of the pharmacy. There are no legal constraints upon his ability to enter the pharmacy, work there, and through his wife's ownership, to exercise, the facto, all of the attributes of proprietorship. Thus, under the present ownership scheme, there is no safeguard to prevent further diversion of controlled subtances from the pharmacy. The Administrator has revoked registrations and denied applications for registration in similar situations involving the transfer of ownership between family members. See *K & B Successors, Inc.*, Docket No. 82–15, 49 FR 34588 (1984); *Darrow Drug, Inc.*, Docket No. 83–35, 49 FR 39246 (1984); *Carriage Apothecary*, 52 FR 27599 (1987); and *Cumberland Prescription Center, Inc.*, Docket No. 86–91, 52 FR 37224 (1987). In this instance, the Administrator also concludes that the registration issued to TMS, Inc., must be revoked and the pending application denied. They are contrary to the public interest.

Therefore, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100, the Administrator of the Drug Enforcement Administration orders that DEA Certificate of Registration AP5316787, previously issued to The Prescription Shoppe, be, and it hereby is, revoked. The Administrator also orders that DEA Certificate of Registration BT1190103, previously issued to TMS, Inc., d/b/a The Prescription Shoppe, be and it hereby is, revoked. It is further ordered that the pending application for registration executed on November 21, 1986, by Kellie Lee Kays, R.Ph., on behalf of Toni Marie Gilbert, be, and it hereby is, denied.

This order is effective March 15, 1989.

John C. Lawn,

Administrator.

Dated: February 7, 1989.

[FR Doc. 89–3257 Filed 2–10–89; 8:45 am]

BILLING CODE 4410–09–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (89–07)]

NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee.

DATE AND TIME: March 2, 1989, 8 a.m. to 4:30 p.m.

ADDRESS: National Aeronautics and Space Administration, Federal Building 10B, Room 625, 600 Independence Avenue SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Catherine L. Smith, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453–9114.

SUPPLEMENTARY INFORMATION: The NAC Aeronautics Advisory Committee was established to provide overall guidance and direction to the aeronautics research and technology activities in the Office of Aeronautics and Space Technology. The Committee, chaired by Mr. Phil M. Condit, is comprised of 23 members. The meeting will be open to the public up to the seating capacity of the room (approximately 40 persons including the team members and other participants).

Type of Meeting: Open.

Agenda:

March 2, 1989

8 a.m.—Opening Remarks
8:45 a.m.—Aeronautics Overview
10 a.m.—Strategic Plan and Fiscal Year 91–93 Program Requirements
12:45 p.m.—NASA/Federal Aviation Administration Cooperative Program Restructuring
1:15 p.m.—Ad Hoc Team Reports
1:45 p.m.—NASA High Speed Research Program
2:15 p.m.—Discussion of November 1988 AAC/Aerospace Research and Technology Subcommittee Meeting
3:45 p.m.—New Study Topics
4:30 p.m.—Adjourn.

February 6, 1989.

Ann Bradley,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 89–3278 Filed 2–10–89; 8:45 am]

BILLING CODE 7510–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–458]

Gulf States Utilities Co.; Environmental Assessment and Findings of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. NPF–47 issued to Gulf States Utilities Company, (the licensee), for operation of the River Bend Station, Unit 1, located in West Feliciana Parish, Louisiana.

Environmental Assessment

Identification of the Proposed Action

The proposed amendment would delete the License Condition 2.C.(4), Attachment 2, Item 1 requirement to install an additional brace on the control rod drive hydraulic control units (HCUs) as used in the qualification

testing. The HCUs furnish pressurized water, on signal, to a drive unit that positions its control rod as required.

The proposed action is in accordance with the licensee's application for amendment dated November 9, 1988.

The Need for the Proposed Action

The proposed change to the license is required in order to delete the current requirement to install an additional brace on the HCUs.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed deletion of the license condition. The proposed deletion of the license condition would remove the requirement to install an additional brace on each of the HCUs. The staff's reviewed the seismic and dynamic qualification of the HCUs. Based on the staff's evaluation, it is concluded that the unmodified test HCU was subject to vibration fatigue far in excess of the seismic/dynamic environment postulated to occur at River Bend Station over the 40 year life. The staff concludes that the additional brace is not required and the license condition can be deleted.

Therefore, the proposed changes do not increase the probability or consequences of any accident, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that this proposed action would result in no significant radiological environmental impact.

With regard to potential nonradological impacts, the proposed change to the license condition involves systems located within the restricted areas as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradological environmental impacts associated with the proposed amendment. The Notice of Consideration of Issuance of Amendments and Opportunity for Hearing in connection with this action was published in the **Federal Register** on December 2, 1988 (53 FR 48743). No request for hearing or petition for leave to intervene was filed following this notice.

Alternative to the Proposed Action

Since the Commission concluded that there is no signficant adverse environmental effect that would result from the proposed action, alternatives with equal or greater environmental impact need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce the impact of plant operations on the environment and would result in implementing modifications to the facility.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in the Final Environmental Statement for the River Bend Station, Unit 1, dated January 1985.

Agencies and Persons Consulted

The NRC has reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon this environmental assessment, we conclude that the proposed action will not have a significant adverse effect on the quality of the human environment.

For further details with respect to this action, see the application for amendment dated November 9, 1988, which are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC, and at the Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803.

Dated at Rockville, Maryland, this 6th day of February 1989.

For the Nuclear Regulatory Commission.

Kenneth L. Heitner,

Acting Project Director, Project Directorate—IV, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 89-3315 Filed 2-10-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-416]

System Energy Resources, Inc., et al. Grand Gulf Nuclear Station, Unit 1; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC or the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-29 issued to the System Energy Resources, Inc., *et al.* (the licensee), for operation of Grand Gulf Nuclear Station, Unit 1, located in Claiborne County, Mississippi.

Environmental Assessment

Identification of Proposed Action

The proposed amendment would revise the provisions in the Technical Specifications (TS) relating to extended fuel irradiation. The proposed action was requested in the licensee's application dated December 6, 1988.

The Need for the Proposed Action

The proposed changes are needed to allow the licensee the flexibility of extending the fuel irradiation, thereby permitting operating for longer fuel cycles.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revisions to the TS. The proposed revisions would permit use of fuel which would be irradiated to levels above 33 gigawatt days per metric ton (GWD/MT) but not to exceed 39 GWT/MT.

The safety considerations associated with reactor operation with extended fuel irradiation have been evaluated by the NRC staff. The staff has concluded that such changes would not adversely affect plant safety. The proposed changes have no adverse effect on the probability of any accident. The increased burnup may slightly change the mix of fission products that might be released in the event of a serious accident, but such small changes would not significantly affect the consequences of serious accidents. No changes are being made in the types or amounts of any radiological effluents that may be released offsite. There is no significant increase in the allowable individual or cumulative occupational radiation exposure.

With regard to potential nonradiological impacts of reactor operation with extended irradiation, the proposed change to the TS involve systems located within the restricted area, as defined in 10 CFR Part 20. They do not affect nonradiological plant effluents and have no other environmental impact.

The environmental impacts of transportation resulting from the use of higher enrichment fuel and extended irradiation are discussed in the staff assessment entitled, "NRC Assessment of the Environmental Effects of Transportation Resulting from Extended Fuel Enrichment and Irradiation," which was published in the **Federal Register** on August 11, 1988 (53 FR 30355). This action was in connection with the

Shearon Harris Nuclear Power Plant, Unit 1, Environmental Assessment and Finding of No Significant Impact. As indicated therein, the environmental cost contribution of transportation of the increases in the fuel enrichment up to 5% and irradiation limits up to 60 GWD/MT are either unchanged or may, in fact, be reduced from those summarized in Table S–4, as set forth in 10 CFR 51.52(c). These findings are applicable to the proposed amendment for the Grand Gulf Nuclear Station, Unit 1.

Therefore, the Commission concludes that there are no significant radiological or nonradiological environmental impacts associated with the proposed amendment.

Alternative to the Proposed Action

Since the Commission has concluded that there are no significant environmental effects that would result from the proposed action, any alternatives with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested amendment. This would not reduce environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the "Final Environmental Statement related to the operation of Grand Gulf Nuclear Station, Unites 1 and 2," dated September 1981.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed license amendment.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further information with respect to this action, see the application for the amendment dated December 6, 1988, which is available for public inspection at the Commission Public Document Room, 2120 L Street NW., Washington, DC 20555 and at the Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Dated at Rockville, Maryland, this 6th day of February, 1989.

For the Nuclear Regulatory Commission.

Edward A. Reeves,

Acting Director, Project Directorate II–I, Division of Reactor Projects I/II Office of Nuclear Reactor Regulation.

[FR Doc. 89–3316 Filed 2–10–89; 8:45 am]

BILLING CODE 7590–01–M

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commmission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission, new, revision or extension: Extension.
2. The title of the information collection: "Licensee Event Report."
3. The form number if applicable: NRC Forms: 366, 366A, and 366B
4. How often the collection is required: On Occasion.
5. Who will be required or asked to report: Holders of Operating Licenses for Commercial Nuclear Power Plants.
6. An estimate of the number of responses: 2,900
7. An estimate of the total number of hours needed annually to complete the requirement or request: Approximately 50 hours per response. The total industry burden is 145,000 hours.
8. Section 3504(h), Pub. L. 96–511 does not apply.
9. Abstract: NRC collects reports of operational events at commercial nuclear power plants in order to incorporate lessons of that experience in the licensing process and to feedback the lessons of that experience to the nuclear industry.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street NW., Washington, DC.

Comments and questions can be directed by mail to the OMB reviewer as follows: Nicolas B. Garcia, Paperwork Reduction Project (3150–0104), Office of Management and Budget, Washington, DC 20503. Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 492–8132.

Dated at Bethesda, Maryland this 2d day of February 1989.

For the Nuclear Regulatory Commission.

Joyce A. Amenta,

Designated Senior Offical for Information Resources Management.

[FR Doc. 89–3317 Filed 2–10–89; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–320–OLA]

General Public Utilities Nuclear Corp. et al. (Three Mile Island Nuclear Station, Unit 2); Disposal of Accident-Generated Water; Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this operating license amendment proceeding:

Christine N. Kohl, *Chairman;* Thomas S. Moore, Howard A. Wilber.

Barbara A. Tompkins,

Secretary to the Appeal Board.

Dated: February 6, 1989.

[FR Doc. 89–3318 Filed 2–10–89; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301–62]

Technical Amendment to Determination to Impose Increased Duties on Certain Products of the European Community

SUMMARY: The determination of the United States Trade Representative of December 29, 1988, imposing increased duties on imports of certain products of the European Community, is hereby amended by modifying the list of affected products.

EFFECTIVE DATE: January 1, 1989.

FOR FURTHER INFORMATION CONTACT: Laura Kneale Anderson, (202) 395–3074, or Les Glad, (202) 395–3077, (for technical and policy information), or Richard Parker, (202) 395–6800 (for legal issues).

SUPPLEMENTARY INFORMATION: On December 29, 1988, pursuant to authority delegated by the President to the United States Trade Representative (USTR) in Proclamation No. 5759 of December 24, 1987, the United States Trade Representative partially terminated the suspension of the application of increased duties on imports of certain

products of the European Community proclaimed in Proclamation No. 5759 and modified the list of affected products (53 FR 53115). This notice further modifies the list of affected products, to clarify that certain products classified in subheading 2101.10.20 of the Harmonized Tariff Schedule of the United States ("HTS") are not subject to the increased duties being applied pursuant to Proclamation 5759 as provided in, and the modifications to the Harmonized Tariff Schedule of the United States made by, the notice of the USTR of December 29, 1988.

On November 25, 1987, the Office of the USTR announced that public hearings would be held by the Section 301 Committee on a list of products being considered for increased duties in response to the European Community's Directive Prohibiting the Use in Livestock Farming of Certain Substances Having a Hormonal Action (52 FR 45304). That list included items classified under item 160.20 of the Tariff Schedules of the United States ("TSUS"), but did not include items classified under item 160.21 of the TSUS. Accordingly, TSUS item 160.21 was not the subject of public comment or the public hearing held on this matter on December 9, 1987; nor was TSUS item 160.21 included in Annex A to Proclamation 5759.

The Harmonized Tariff Schedule of the United States became effective January 1, 1989, and products classified under TSUS item 160.21 are now reported under HTS statistical reporting number 2101.10.2040. Subheading 9903.23.20 of the HTS, created by Proclamation 5759, includes in its article description a reference to HTS subheading 2101.10.20. Therefore, it is necessary to clarify that subheading 9903.23.20 was intended to include only those products that were formerly classified under TSUS item 160.20, and not those that were formerly classified under TSUS item 160.21.

Modifications

Pursuant to the authority delegated by the President to the USTR in Proclamation 5759 of December 24, 1987, subheading 9903.23.20 in Annex B to Proclamation 5759 is modified by deleting the words "extracts, essences and concentrates" in the article description.

The Harmonized Tariff Schedule of the United States is hereby modified accordingly. The modifications to the HTS made by this amendment are effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1989.

Carla A. Hills,

United States Trade Representative.

[FR Doc. 89-3276 Filed 2-10-89; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review of Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash, (202) 272-2142.

Upon Written Request Copy Available From: Securities and Exchange Commission, Office of Consumer Affairs, 450 Fifth Street NW., Washington, DC 20549.

New
Rule 17, File No. 270-319
Amended
Rule 2, File No. 270-83
Form U-3A-2, File No. 270-270-83

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 [44 U.S.C. 3501 *et seq.*], the Securities and Exchange Commission has submitted for OMB approval proposed Rule 17, proposed amended Rule 2, and proposed amended Form U-3A-2 under the Public Utility Holding Company Act of 1935 [15 U.S.C. 79a *et seq.*] ("Act").

Proposed Rule 17 under the Act would specify certain circumstances ("safe harbor provisions") in which non-utility diversification by an intrastate public-utility holding company would not be deemed detrimental to the public interest or the interest of investors or consumers, and would not cause the denial or revocation of an exemptive order of the Commission. A one-time report and then annual reports, of certain information will be required of the approximately 34 intrastate holding companies which have received exemptive orders of the Commission to enable the Commission to determine if one of the safe harbor provisions is available. The reports will be placed in the Commission file which contains the intrastate holding company's exemptive order. Each respondent should spend approximately ½ hour, annually, preparing the report, and the same amount of time preparing the one-time report.

Proposed amended Rule 2 under the Act would provide that a claim of exemption under Rule 2 by an intrastate public-utility holding company, in order to be effective, would require such company to meet one of the safe harbor provisions of proposed Rule 17. Rule 2 presently requires approximately 88 claimants to make an annual filing with the Commission on Form U-3A-2 of certain information would be required by the proposal. The one-time, special filing on Form U-3A-2 should take approximately ½ hour to prepare.

Proposed amended Form U-3A-2 under the Act would require intrastate holding companies claiming exemption under Rule 2, as proposed to be amended, to furnish in their annual filings, in addition to information they now are annually required to supply, information supporting such company's ability to rely on one of the safe harbor provisions of proposed Rule 17. The expanded Form U-3A-2, filed annually by the approximately 88 claimants previously mentioned, will take approximately one hour to fill out.

These estimated average burden hours are made solely for the purposes of the Paperwork Reduction Act, and are not derived from a comprehensive or even a representative survey or study of the costs of SEC rules and forms. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with SEC rules and forms to Kenneth A. Fogash, Deputy Executive Director, 450 Fifth Street NW., Washington, DC 20549-6004 and to Gary Waxman at the address listed below.

General comments should be submitted to OMB Desk Officer: Gary Waxman, Office of Information and Regulatory Affairs, Paperwork Reduction Project (3235-0161), Room 3228 NEOB, Washington, DC 20503.

Jonathan G. Katz,

Secretary.

February 7, 1989.

[FR Doc. 89-3302 Filed 2-10-89; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-26523; File No. SR-NYSE-87-38]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving Proposed Rule Change

On November 27, 1987, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) under the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b-4 thereunder,[2] a proposed rule change to revise, restate and consolidate the Specialist Job Description ("Description") and the Code of

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1986).

Acceptable Business Practices for Specialists.

The proposed rule change was noticed in Securities Exchange Act Release No. 25398, 53 FR 7458 (March 8, 1988). No comments were received on the proposed rule change.

The proposal rescinds the Exchange's existing Specialist Job Description and the Code of Acceptable Business Practices and replaces them in their entirety with the Description.

As discussed in Securities Exchange Act Release No. 25398, Section I of the proposed description sets forth the primary obligation of a specialist. This section also discusses the specialist responsibility to maintain fair and orderly markets and to comply with Federal and Exchange laws and rules.[3] Section I also indicates that acts or omissions by specialists that appear to be inconsistent with the primary duties of the specialist, as described in Section II of the Description, are addressed by the Market Performance Committee of the Exchange's Board of Directors via the regulatory process under applicable Exchange rules and, in particular, under Exchange Rule 103A which provides the standards that are used to evaluate the adequacy of the performance of a specialist.[4] In addition to this reference to Exchange Rule 103A, the Exchange has added to its original proposal a statement noting that, where circumstances warrant, the Exchange may take disciplinary action against the specialist under Exchange Rule 476 (Disciplinary Proceedings Involving Charges Against Members, Member Organizations, Allied Members, Approved Persons, or Employees).[5]

The primary duties of the specialist are described in detail in Section II of the Description. The responsibilities are categorized into seven separate areas: "Agency Funcion," "Dealer Function," Maintaining the Auction Market," "Communication Function," "Administrative Function," "Competitive Responsibilities and "Other Market Responsibilities."

The "Agency Function" describes the specialist's obligation when acting as agent on behalf of orders entrusted to him. He is expected to represent each order properly in the marketplace, regardless of its size or source, to ensure the timely and best possible execution in accordance with the terms of the order and the rules and policies of the Exchange.

The "Dealer Function" responsibility describes the specialists' affirmative and negative market making obligations.[6] He is also expected to make firm and continuous two-sided quotations [7] and effect principal transactions in a manner consistent with his financial resources.[8]

Under the heading "Maintaining the Auction Market" the Description explains the specialist's responsibilities in opening and reopening trading in a listed security. A specialist is expected to effect timely openings so as to facilitate transactions in securities and to contribute to the maintenance of fair and orderly markets in accordance with the specialist's obligations under the Act.[9]

The "Communication Function" provides that the specialist should equally and impartially provide accurate and timely market information; disseminate accurate, complete and current opening price indications and pre-opening information; and indicate the depth of the current market, to the extent his agency responsibility allows, to all inquiring members in a professional and courteous manner.

The "Administrative Function" describes the specialist's responsibilities in maintaining the quality and competitiveness of the Exchange's markets by employing prompt, efficient and accurate administrative and operating practices. Among other things, the Specialist also should maintain a level of trained staff on the Exchange Floor at all times sufficient to meet periods of reasonable demand, and make arrangements for supplementary staff and financial resources that may be necessary to meet extraordinary market conditions.

Section II sets forth the specialists' responsibilities which include, among other things, making every effort to be fully competitive in all segments of the market; to establishing a positive professional relationship with Exchange listed companies; and meeting annually with appropriate on- and off-floor representatives.

Finally, Section II of the proposed Specialist Job Description lists a number of other market responsibilities the specialist is expected to discharge, which, in general, include assisting the Exchange in developing and implementing systems and procedures designed to enhance the efficiency and competitiveness of the Exchange's agency auction market; complying with all measures and standards of performance established by the Exchange; keeping records required by Federal and Exchange rules; and taking any action not prohibited by Federal or Exchange rule or policy or precluded by professional judgment to foster and maintain liquid continuous two-sided agency auction markets and to ensure that such markets are fair, orderly and efficient.

The Description concludes with Section III which requires an Exchange member to be registered as an Exchange specialist in order to be associated with an existing or newly created specialist unit approved by the Exchange; to complete an adequate training period under the supervision of an experienced specialist; to pass the Exchange administered specialist examination; to ensure that the specialist unit with which he is to be associated meets the Exchange's specialist capital requirements; and to participate in an orientation session with a panel of market professionals.[10]

The NYSE states that the purpose of the Description is to guide specialists in the performance of their duties in a manner that is consistent with the rules of the Exchange and the provisions of the Act and the rules thereunder. The Exchange believes that the new Description will add specificity to the rules of the Exchange applicable to

[3] In particular, the Description highlights the specialist responsibility under section 11(b) of the Act, Rule 11b-1 and NYSE Rule 104 (dealings by specialists) in addition to compliance with Intermarket Trading System rules. *See* Letter from Susan G.S. Cutler, Director Committee Support Service, NYSE, to Sharon Lawson, Branch Chief, Branch of Exchange Regulation, Division of Market Regulation, Securities and Exchange Commission, dated August 23, 1988 ("NYSE Letter"); and Amendment No. 1 to file No. SR-NYSE-87-38, August 23, 1988.

[4] *See* Securities Exchange Act Release No. 25681 (May 9, 1988), 53 FR 17287 (May 16, 1988).

[5] *See* Amendment No. 1 to File No. SR-NYSE-87-38, August 23, 1988, *supra* note 3.

[6] This describes the affirmative obligation to buy and sell as principal when necessary to minimize order disparities and to contribute to continuity and depth and the negative obligation to refrain from trading unless it is necessary for the maintenance of fair and orderly markets.

[7] In addition to describing the continuous market obligation of a specialist acting as principal, this function notes that the specialist must ensure that the election of stop orders results from fair and orderly price movement of the stock and not from poor performance by the specialist or inadequate depth.

[8] This section notes the specialist responsibility to report promptly to the Exchange any active or imminent financial problems that may affect the ability to fulfill responsibilities to the market.

[9] A specialist's duty to maintain the auction market includes his duty to serve as market coordinator for all of the securities in which he is registered and to seek the advice of Floor Officials in a timely manner when requesting delays in openings or trading halts.

[10] The Exchange intends to include references to Rule 103A and the Specialist Performance Evaluation Questionnaire in guidelines for use by Market Performance Committee members in conducting orientation sessions for Exchange members who desire to be registered as an Exchange specialist. *See* NYSE Letter, *supra* note 3.

registered specialists and that the Description augments and reinforces those rules.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6,[11] and the rules and regulations thereunder. By providing more specificity to the description of the performance expected of Exchange members who are registered as specialists with the Exchange, the proposed amendments to Specialist Job Description are consistent with the requirements of section 6(b)(5) of the Act which requires that rules of an exchange be designed "to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, * * * and, in general, to protect investors and the public interest * * *." The Specialist Job Description and the Code of Acceptable Business Practices for Specialists were adopted in 1976 and have not been updated since that time. The proposed amendments will update the Substance of the Description and the Code to reflect more accurately the changed duties and responsibilities of the specialist since the Description and the Code were adopted.

The Description is also consistent with requirements of Rule 11b-1(a)(2) (ii) under the Act which mandates that the rules of a national securities exchange include "requirements, as a condition of a specialist's registration, that a specialist engage in a course of dealings for his own account to assist in the maintenance, so far as practicable, of a fair and orderly market * * *." By explaining the course of conduct expected by the Exchange from its specialists under Exchange rules, the Act and the rules thereunder, the Description will help assure that the dealings of Exchange specialists comport with the requirements of section 11(b) and Rule 11b-1.

Finally, the updated Specialist Job Description defines in detail for NYSE specialists their obligations and responsibilities under NYSE Rule 104, section 11 of the Act and Rule 11b-1 thereunder. We believe this is beneficial particularly in light of the concerns about specialist performance and compliance with affirmative and negative market making obligations that were expressed in the October 1987 Market Break Report.[12]

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[13] that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Jonathan G. Katz,

Secretary.

Dated: February 7, 1989.

[FR Doc. 89-3303 Filed 2-10-89; 8:45 am]

BILLING CODE 8010-01-M

[11] 15 U.S.C. 78f (1982).

[12] *See* the October 1987 Market Break, a Report by the Division of Market Regulation, U.S. Securities and Exchange Commission, February 1988 at 4-20—4-29.

[13] 15 U.S.C. 78s(b)(2) (1982).

[14] 17 CFR 200.30-3(9)(12) (1986).

SMALL BUSINESS ADMINISTRATION

Region IX Advisory Council; Public Meeting; California

The U.S. Small Business Administration, Region IX Advisory Council, located in the geographical area of Santa Ana will hold a public meeting scheduled at 9:30 a.m. on Tuesday, March 14, 1989, at the SBA offices at 901 W. Civic Center Drive, Suite 160, Santa Ana, California, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Steve Waddell, District Director, U.S. Small Business Administration, 901 W. Civic Center Drive, Suite 160, Santa Ana, California 92703, 714/836-2494.

Jeannette M. Pauli,

Acting Director, Office of Advisory Councils.

February 6, 1989.

[FR Doc. 89-3279 Filed 2-10-89; 8:45 am]

BILLING CODE 8025-01-M

Region IV Advisory Council; Public Meeting; Kentucky

The U.S. Small Business Administration, Region IV Advisory Council, located in the geographical area of Louisville will hold a public meeting scheduled at 10:00 a.m. to 3 p.m. on Tuesday, March 21, 1989, at the Executive Inn West, Drinkwater Room, Louisville, Kentucky, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call William Federhofer, District Director, U.S. Small Business Administration, P.O. Box 3527, Louisville, Kentucky 40201, 502/582-5971.

Jeannette M. Pauli,

Acting Director, Office of Advisory Councils.

February 6, 1989.

[FR Doc. 89-3280 Filed 2-10-89; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-8/1259]

U.S. Organization for International Telegraph & Telephone Consultative Committee (CCITT) Integrated Services Digital Network (ISDN) Joint Working Party and Study Group C; Meeting

The Department of State announces that the Integrated Service Digital Network (ISDN) Joint Working Party, and Study Group C of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on March 15, 1989 at 9:30 a.m. in Room 1205, Department of State, 2201 C Street NW., Washington, DC.

The agenda for the meeting will be:

1. Approval of Minutes of December 16, 1988 meeting;

2. Consideration of Contributions in preparation for the CCITT Study Group XI meeting, March 29-April 11, Geneva, and Study Group I, May 2-12, Geneva;

3. Consideration of nominations for U.S. Delegation to CCITT Study Group XI and I meetings;

4. Other business.

Members of the general public may attend the meetings and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of Mr. Earl S. Barbely, Department of State, Washington, DC; telephone (202) 647-5220. All attendees must use the C Street entrance to the building.

Date: January 26, 1989.

Earl S. Barbely,

Director, Office of Telecommunications and Information Standards; Chairman, U.S. CCITT National Committee.

[FR Doc. 89-3235 Filed 2-10-89; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 89-2-19]

Fitness Determination of Flight Trails d/b/a Air Resorts Airlines d/b/a Resorts

AGENCY: Department of Transportation.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 89-2-19, Order to Show Cause.

SUMMARY: The Department of Transportation is proposing to find Flight Trails d/b/a Air Resorts Airlines d/b/a Resorts fit, willing, and able to provide commuter air service under section 419(c)(2) of the Federal Aviation Act.

Responses: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Air Carrier Fitness Division, P-56, Department of Transportation, 400 Seventh Street SW., Room 6401, Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than February 23, 1989.

FOR FURTHER INFORMATION CONTACT: Ms. Carol A. Woods, Air Carrier Fitness Division (P-56, Room 6401), U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, (202) 366-2340.

Dated: February 7, 1989.

Gregory S. Dole,

Assistant Secretary for Policy and International Affairs.

[FR Doc. 89-3334 Filed 2-10-89; 8:45 am]

BILLING CODE 4910-62-M

Coast Guard

Second Coast Guard District Industry Day; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: On 14 March 1989, the Commander, Second Coast Guard District, will sponsor an Industry Day program to provide for an open exchange of information, ideas, and opinions on matters of mutual interest or concern to the inland marine community and the Coast Guard. The Industry Day activities will be held at the Breckenridge-Frontenac Hotel, 1335 South Lindbergh, St. Louis, MO.

The Schedule of Events for Industry Day is:

Monday 13 March

7:00-10:00 PM, "No host" social hour, and advance registration for early arrivals, in the hotel lounge.

Tuesday 14 March

8:00 AM, Registration.
9:00 AM, Industry Day Presentations.
11:30 AM, "No host" Buffet Luncheon.
1:00 PM, Industry Day Presentations continue.
4:00 PM, Industry Day concludes.

Advance registration, and payment of the $20.00 conference fee (which includes the cost of the luncheon) is required. Persons desiring registration forms or additional information on the Industry Day activities and events scheduled by other groups to coincide with Industry Day should contact the officers named below. Recommendations for discussion topics will be considered in developing the final agenda. Such recommendations must be submitted in writing to the officers named below. All registration forms and recommendations must be received by 28 February.

FOR FURTHER INFORMATION CONTACT: CDR T.B. Rodino or LT B.D. Ward, Commander (mpb), Second Coast Guard District, 1430 Olive Street, St. Louis, MO 63103-2398, Tel: Commercial (314) 425-4655, FTS 279-4655.

W.P. Leahy, Jr.,

Rear Admiral, U.S. Coast Guard, Commander, Second Coast Guard District.

[FR Doc. 89-3337 Filed 2-10-89; 8:45 am]

BILLING CODE 4910-14-M

[CDG 89-009]

Towing Safety Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Request for Applications.

SUMMARY: The U.S. Coast Guard is seeking applicants for appointment to membership on the Towing Safety Advisory Committee (TSAC). This committee advises the Secretary of Transportation on rulemaking matters related to shallow-draft inland and coastal waterway navigation and towing safety.

Eight members will be appointed as follows: Two (2) members from the barge and towing industry, reflecting a geographical balance; two (2) members from maritime labor; two (2) members from shippers (of whom at least one shall be engaged in the shipment of oil or hazardous materials by barge); one (1) member from port districts, port authorities or terminal operators; and one (1) member from the mineral and oil supply vessel industry.

To achieve the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is especially interested in receiving applications from minorities and women. The committee will meet at least once a year in Washington, D.C. or another location selected by the Coast Guard.

DATE: Requests for applications should be received no later than March 30, 1989.

ADDRESS: Persons interested in applying should write to Commandant (G-MP-3), U.S. Coast Guard Headquarters, Washington, DC 20593-0001.

FOR FURTHER INFORMATION CONTACT: Commander R.J. ASARO, Executive Director, Towing Safety Advisory Committee (G-MP-3), Room 2420, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001, (202) 267-0449.

Dated: February 3, 1989.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 89-3339 Filed 2-10-89; 8:45 am]

BILLING CODE 4910-14-M

Federal Aviation Administration

[Proposed Advisory Circular 21-QCC]

Quality Control for Composite Materials and Structures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: This notice announces the availability of proposed Advisory Circular (AC) 21-QCC, Quality Control For Composite Materials and Structures for review and comments. The proposed AC 21-QCC was originally published in **Federal Register** Volume 54, Number 9, Friday, January 13, 1989, Notices. Due to several requests from the public, the comment period has been extended. The proposed AC 21-QCC provides information and guidance concerning an acceptable means, but not the only means, of demonstrating compliance with the requirements of the Federal Aviation Regulations (FAR) Part 21, Certification Procedures for Products and Parts.

DATE: Comments submitted must identify the proposed AC 21-QCC file number, P8-220-0005, and be received by March 30, 1989.

ADDRESSES: Copies of the proposed AC 21-QCC can be obtained from and comments may be returned to the

following: Federal Aviation Administration, Production Certification Branch, AIR–220, Aircraft Manufacturing Division, Aircraft Certification Service, 800 Independence Avenue SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT:

Frank Paskiewicz, Production Certification Branch, AIR–220, Aircraft Manufacturing Division, Room 333, Aircraft Certification Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591 (202) 267–8361.

SUPPLEMENTARY INFORMATION:

Background

The proposed AC 21–QCC provides information and guidance to FAA production approval applicants or holders concerning acceptable quality control systems and related procedures used in the manufacture of composite materials and structures for aircraft and related products.

Comments Invited

Interested persons are invited to comment on the proposed AC 21–QCC listed in this notice by submitting such written data, views, or arguments as they desire to the aforementioned specified address. All communications received on or before the closing date for comments specified above will be considered by the Director, Aircraft Certification Service, before issuing the final AC.

Comments received on the proposed AC 21–QCC may be examined, before and after the comment closing date in Room 333, FAA Headquarters Building (FOB–10A), 800 Independence Avenue SW., Washington, DC 20591, between 8:30 a.m. and 4:30 p.m.

Issued in Washington, DC, on February 3, 1989.

Anthony J. Merrill,

Acting Manager, Aircraft Manufacturing Division.

[FR Doc. 89–3286 Filed 2–10–89; 8:45 am]

BILLING CODE 4910–13–M

Sunshine Act Meetings

Federal Register
Vol. 54, No. 28
Monday, February 13, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL DEPOSIT INSURANCE CORPORATION

AGENCY MEETING

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:18 p.m. on Sunday, February 5, 1989, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to authorize the execution of an agreement by and between the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation ("FSLIC"), and the Federal Deposit Insurance Corporation ("FDIC") whereby the FDIC will conduct and manage certain conservatorships and receiverships of insolvent savings and loan associations and thrift institutions.

The Board also considered matters relating to the Corporation's corporate activities.

In calling the meeting, the Board determined, on motion of Director C. C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Dated: February 8, 1989.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 89-3376 Filed 2-9-89; 10:47 am]

BILLING CODE 6714-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 5:08 p.m. on Tuesday, February 7, 1989, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider (1) administrative enforcement proceedings, and (2) matters relating to the possible closing of certain insured banks.

In calling the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: February 8, 1989.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 89-3377 Filed 2-9-89; 10:47 am]

BILLING CODE 6714-01-M

FEDERAL ENERGY REGULATORY COMMISSION

February 8, 1989.

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409, 5 U.S.C. 552B:

TIME AND DATE: 10:00 a.m., February 15, 1989.

PLACE: 825 North Capitol Street, N.E., Room 9306, Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevent to the items on the agenda; however, all public documents may be examined in the Public Reference Room.

Consent Power Agenda, 890th Meeting—February 8, 1989, Regular Meeting (10:00 a.m.)

CAP-1.
Project No. 8936-005, BES Hydro, Inc.
CAP-2.
Project No. 2543-018, The Montana Power Company
CAP-3.
Docket No. EL88-37-001, Kentucky Utilities Company
CAP-4.
Project No. 2785-009, Wolverine Power Corporation
CAP-5.
Project No. 5074-009, Baker Power Company
CAP-6.
Project No. 9543-001, Rim View Trout Company
CAP-7.
Project No. 5984-002, Niagara Mohawk Power Corporation
CAP-8.
Project No. 9840-001, Appomattox River Water Authority
CAP-9.
Project No. 6032-001, Niagara Mohawk Power Corporation and Fourth Branch Associates
Project No. 9706-001, Mechanicville Corporation
CAP-10.
Project No. 619-009, Pacific Gas and Electric Company
CAP-11.
Project No. 10610-001, Trout Creek, Inc.
CAP-12.
Project No. 10611-001, Whiskey Creek, Inc.
CAP-13.
Project No. 2680-007, Consumers Power Company and the The Detroit Edison Company
CAP-14.
Docket No. UL88-24-001, City of Martinsville, Virginia
CAP-15.
Project No. 7964-004, JDJ Energy Company
CAP-16.
Project No. 3512-009, UAH-Braendly Hydro Associates
CAP-17.
Project No. 2144-007, City of Seattle, Washington
CAP-18.
Omitted
CAP-19.
Docket Nos. ER89-171-000 and ER88-619-000, Gulf States Utilities Company
CAP-20.
Docket No. ER89-133-000, Pennsylvania Power & Light Company
CAP-21.
Docket No. ER89-53-001, Green Mountain Power Corporation
CAP-22.
Docket No. EL88-27-001, North Carolina Eastern Municipal Power Agency v. Carolina Power & Light Company

CAP–23.
Omitted.
CAP–24.
Docket Nos. ER82–553–004 and ER82–554–004, Ohio Power Company
CAP–25.
Docket No. EL89–4–000, Northern California Power Agency v. Pacific Gas & Electric Company
CAP–26.
Docket No. EL88–22–000, Western Area Power Administration v. Pacific Gas & Electric Company, The Northern California Power Agency, and the Cities of Alameda, Healdsburg, Ukiah, Santa Clara Lodi, and Lompac California
CAP–27.
Docket No. EL88–14–000, James E. O'Neil Attorney General of the State of Rhode Island and the Rhode Island Division of Public Utilities and Carriers v. Montaup Electric Company
CAP–28.
Docket No. ER85–720–001, Connecticut Light and Power Company
Docket No. ER85–707–001, Western Massachusetts Electric Company
Docket No. ER85–689–001, Holyoke Water Power Company and Holyoke Power & Electric Company
CAP–29.
Docket No. ER88–83–004 (Phase I), Southern California Edison Company
CAP–30.
Docket Nos. EL88–3–001 and EL87–56–001, Commonwealth Electric Company v. Boston Edison Company
CAP–31.
Docket No. 9260–003, Adirondack Hydro Development Corporation

Consent Miscellaneous Agenda

CAM–1.
Docket Nos. RM89–6–000, Establishment of Deadlines for First Sellers to Make and Report Refunds
CAM–2.
Docket No. RM89–8–000, Removal of Contract Duration and Right of First Refusal Regulations for Certain OCS Gas
CAM–3.
Docket No. GP87–60–001, Transcontinental Gas Pipe Line Corporation v. Enstar Petroleum Company
CAM–4.
Docket No. RO87–8–001, Marathon Petroleum Company
CAM–5.
Docket No. RO88–5–000, William Valentine and Sons, Inc., Valentine Construction, Inc., Dale L. Valentine, Verna Valentine and James L. Merchant
CAM–6.
Docket No. RM89–9–00, Statement of Policy Limited Intervention by Fish and Wildlife Agencies at the Appeal Stage of a Licensing Proceeding

Consent Gas Agenda

CAG–1.
Docket No. RP88–198–007, Transwestern Pipeline Company
CAG–2.
Docket No. TM89–1–001, Alabama-Tennessee Natural Gas Company
CAG–3.
Docket Nos. CP87–309–006 and RP88–208–002, Paiute Pipeline Company
CAG–4.
Docket Nos. TA88–4–37–003 and RP89–1–004, Northwest Pipeline Corporation
CAG–5.
Omitted
CAG–6.
Docket Nos. RP88–227–004 and RP88–227–007, Pauite Pipeline Company
CAG–7.
Docket No. RP88–191–001, Tennessee Gas Pipeline Company
CAG–8.
Docket No. RP89–58–00, Bear Creek Storage Company
CAG–9.
Docket No. RP89–60–000, Southwest Gas Storage Company
CAG–10.
Docket No. GT88–5–008, Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company
CAG–11.
Docket Nos. TA88–3–25–004, RP88–146–003 and RP89–12–003, Mississippi River Transmission Corporation
CAG–12.
Docket No. TA89–1–1–991, Alabama-Tennessee Natural Gas Company
CAG–13.
Docket Nos. TA88–1–27–004, RP88–57–005 and RP88–109–002, North Penn Gas Company
CAG–14.
Docket No. TA89–1–51–003, Great Lakes Gas Transmission Company
CAG–15.
Docket No. RP89–34–001, Williston Basin Interstate Pipeline Company
CAG–16.
Docket Nos. TA86–119–010, RP89–30–001, TA84–2–9–009 and TA85–1–9–006, Tennessee Gas Pipe Line Company
CAG–17.
Docket No. RP88–68–010, Transcontinental Gas Pipe Line Corporation
CAG–18.
Docket No. RP88–239–007, Trunkline Gas Company
CAG–19.
Docket No. RP87–14–005, Algonquin Gas Transmission Company
CAG–20.
Docket No. RP88–267–005, South Georgia Natural Gas Company
CAG–21.
Docket No. RP89–45–001, ANR Pipeline Company
CAG–22.
Docket No. ST83–429–004, BP Gas Transmission Company (Formerly Lear Petroleum Corporation
CAG–23.
Docket Nos. ST86–1657–002, ST86–1660–002, ST86–1663–002, ST86–1687–002, ST86–1688–002, ST86–1689–002, ST86–1690–002, ST86–1691–002, ST86–1692–002, ST86–1752–002, ST86–1778–002, ST86–1779–002, ST86–1781–002, ST86–1790–002, ST86–1849–002, ST86–1853–002, ST86–1876–002, ST86–1877–002, ST86–1896–002, ST86–1898–002, ST86–1899–002, ST86–1900–002, ST86–1901–002, ST86–1902–002, ST86–1903–002, ST86–1904–002, ST86–1905–002, ST86–1906–002, ST86–1954–002, ST86–1955–002, ST86–1956–002, ST86–1957–002, ST86–1959–002, ST86–1971–002, ST86–2009–002, ST86–2014–002, ST86–2035–002, ST86–2048–002, ST86–2049–002, ST86–2050–002, ST86–2113–002, ST86–2114–002, ST86–2115–002, ST86–2116–002, ST86–2117–002, ST86–2126–002, ST86–2128–002, ST86–2132–002, ST86–2133–002, ST86–2134–002, ST86–2137–002, ST86–2142–002, ST86–2144–002, ST86–2146–002, ST86–2147–002, ST86–2151–00, ST86–2201–002, ST86–2202–002, ST86–2203–002, ST86–2204–002, ST86–2205–002, ST86–2206–002, ST86–2210–002, ST86–2211–002, ST86–2212–002, ST86–2213–002, ST86–2214–002, ST86–2215–002, ST86–2216–002, ST86–2254–002, ST86–2255–002, ST86–2257–002, ST86–2258–002, ST86–2260–002, ST86–2261–002, ST86–2262–002, ST86–2419–002, ST86–2422–002, ST86–2431–002, and ST86–2432–002, ANR Pipeline Company
CAG–24.
Docket No. RP88–187–009, Columbia Gas Transmission Corporation
CAG–25.
Docket Nos. RP88–187–010, and RP988–187–011, Columbia Gas Transmission Corporation
CAG–26.
Docket No. RP88–241–005, Panhandle Eastern Pipe Line Company
CAG–27.
Docket No. RP88–198–006, Transwestern Pipeline Company
CAG–28.
Docket No. RP88–240–004, Panhandle Eastern Pipe Line Company
CAG–29.
Docket No. RP83–93–020, Trunkline Gas Company
CAG–30.
Docket Nos. RP85–122–015, and RP87–30–020, Colorado Interstate Gas Company
CAG–31.
Docket No. RP88–262–001, Panhandle Eastern Pipe Line Company
CAG–32.
Docket No. RP88–258–002, Southern Natural Gas Company
CAG–33.
Docket No. RP87–30–002, Colorado Interstate Gas Company
CAG–34.
Docket No. RP88–47–013, Northwest Pipeline Company
CAG–35.
Docket Nos. RP88–259–004 and RP88–259–006, Northern Natural Gas Company, Division of Enron, Corp.
CAG–36.
Docket No. RP89–16–001, Transwestern Pipeline Company
CAG–37.
Docket No. RP87–34–004, United Gas Pipe Line Company
CAG–38.
Docket No. ST85–1397–002, Kansas Power and Light Company
CAG–39.

Docket Nos. CP86–578–019, RP85–13–027, RP88–47–016 and TQ88–2–37–024, Northwest Pipeline Corporation

CAG–40.
Docket Nos. RP88–181–004 and RP86–94–011, Sea Robin Pipeline Company

CAG–41.
Docket No. RP84–82–004, Tarpon Transmission Company

CAG–42.
Docket No. RP85–194–000, Panhandle Eastern Pipe Line Company
Docket No. RP86–49–000, East Ohio Company v. Panhandle Eastern Pipe Line Company

CAG–43.
Docket Nos. RP88–10–000 and RP88–211–000, CNG Transmission Corporation

CAG–44.
Docket Nos. RP83–137–011 and RP85–31–000, Transcontinental Gas Pipe Line Corporation

CAG–45.
Docket No. RP89–1–6–000 Sea Robin Pipeline Company

CAG–46.
Docket Nos. RP87–86–000, RP86–11–000 and RP85–11–000 (Phase II), KN Energy, Inc.

CAG–47.
Docket No. RP88–209–015, Natural Gas Pipeline Company of America

CAG–48.
Docket Nos. RP86–68–000 and RP86–155–000, Williams Natural Gas Company

CAG–49.
Docket No. RP88–116–000, Louisiana-Nevada Transit Company

CAG–50.
Omitted

CAG–51.
Docket Nos. ST89–292–000, ST88–3008–000, and ST88–4082–000, The Tekas Corporation

CAG–52.
Docket Nos. ST88–5892–000, and ST89–194–000, BP Gas Transmission Company

CAG–53.
Docket No. ST89–15–000, Red River Pipeline

CAG–54.
Docket Nos. ST89–229–000, ST88–2555–000, ST88–2905–000, ST88–3337–000 and ST88–4985, Louisiana Interstate Gas Corporation

CAG–55.
Docket No. CP88–428–001, NRM Operating Company, L.P. and EnerMark, Inc.

CAG–56.
Docket No. CI87–223–002, OXY USA, Inc.

CAG–57.
Omitted

CAG–58.
Docket No. CI88–487–000, Union Exploration Partners, Ltd.

CAG–59.
Docket No. CI86–413–003, ANR Gathering Company
Docket No. CI86–419–003, ANR Supply Company
Docket No. CI87–223–003, OXY USA, Inc.
Docket No. CI87–307–002, MidCon Marketing Corporation
Docket No. CI87–621–002, Mountain Industrial Gas Company
Docket No. CI88–274–001, Coastal States Gas Transmission Company

CAG–60.
Docket No. CI89–154–000, Shell Offshore, Inc.

CAG–61.
Docket No. CP86–492–002, Moraine Pipeline Company

CAG–62.
Docket No. CP88–820–001, Arkla Energy Resources, a Division of Arkla, Inc.

CAG–63.
Docket No. CP88–255–002, Transcontinental Gas Pipe Line Company

CAG–64.
Docket No. CP88–696–002, Midwestern Gas Transmission Company

GAC–65.
Docket No. CP88–312–002, Natural Gas Pipeline Company of America

GAC–66.
Docket No. CP88–763–001, Pelican Interstate Gas System

CAG–67.
Docket No. RP88–13–002, James River Corporation of Nevada v. Northwest Pipeline Corporation
Docket No. CP88–111–002, Northwest Pipeline Corporation
Docket No. CP87–328–003, Northwest Pipeline Corporation

CAG–68.
Docket No. CP88–42–001, Kansas Power and light Company v. Williams Natural Gas Company
Docket No. CP61–29–002, Williams Natural Gas Company

CAG–69.
Docket No. CP88–79–002, National Steel Corporation

CAG–70.
Docket No. CP87–4–003, PennEast Gas Service Company and Texas Eastern Transmission Corporation
Docket No. CP87–5–001, CNG Transmission Corporation
Docket No. CP87–28–003, Texas Eastern Transmission Corporation.

CAG–71.
Docket Nos. CP68–245–002 and CP68–245–003, Tennessee Gas Pipeline Company

CAG–72.
Docket No. CP88–266–001, Midwestern Gas Transmission Company

CAG–73.
Docket No. CP85–806–009, Texas Eastern Transmission Corporation

CAG–74.
Docket No. CP89–642–000, Tennessee Gas Pipeline Company

CAG–75.
Docket No. CP89–662–000, Panhandle Eastern Pipe Line Company

CAG–76.
Docket No. CP89–585–000, Tennessee Gas Pipeline Company

CAG–77.
Docket No. CP89–626–000, Tennessee Gas Pipeline Company

CAG–78.
Docket No. CP89–696–000 Transwestern Pipeline Company

CAG–79.
Docket No. CP87–148–001, Columbia Gas Transmission Corporation

CAG–80.
Docket No. CP88–137–000, ANR Pipeline Company

CAG–81.
Docket Nos. CP86–427–000, CP86–620–000 and CP88–352–000, ANR Pipeline Company

CAG–82.
Docket No. CP88–376–000, Arkla Energy Resources, A Division of Arkla, Inc.

CAG–83.
Docket No. CP89–93–000, Williams Natural Gas Company

CAG–84.
Docket No. CP88–540–000, Northern Natural Gas Company, Division of Enron Corp.

CAG–85.
Docket No. CP88–3–000, Texas Gas Transmission Corporation

CAG–86.
Docket No. CP87–107–000, Midwestern Pipeline Company

CAG–87.
Docket No. CP88–778–000, Hall-Houston Oil Company

CAG–88.
Docket Nos. TA84–1–28–009 and TA84–2–28–005, Panhandle Eastern Pipe Line Company

I. Licensed Project Matters

P–1.
Reserved

II. Electric Rate Matters

ER–1. Docket No. EL86–58–001, Louisiana Public Service Commission v. System Energy Resources, Inc. Concerning equity reopener clause.

Miscellaneous Matters

M–1.
Reserved

M–2.
Reserved

M–3.
Docket Nos. RM88–14–002 and RM88–15–001, Interpretation of, and Regulations, Under Section 5 of the Outer Continental Shelf Lands Act (OCSLA) Governing Transportation of Natural Gas by Interstate Natural Gas Pipelines on the Outer Continental Shelf. Order on rehearing.

I. Pipeline Rate Matters

RP–1.(A)
Docket Nos. CP88–391–000 and RP88–167–000, Transcontinental Gas Pipe Line Corporation. Concerning certificate application for gas inventory charge, standby service, and firm storage authorization.

RP–1.(B)
Docket Nos. CP88–391–000, RP88–167–000 and CP89–728–000, Transcontinental Gas Pipe Line Corporation. Concerning authorization for an interim gas inventory charge.

RP–1.(C)
Docket Nos., CP88–391–000, RP88–167–000 and CP89–759–000, Transcontinental Gas Pipe Line Corporation. Concerning authorization for interruptible sales service.

RP–2.

Docket Nos. RP87-17-002 and RP88-182-0002, Gas Research Institute. Rehearing and court remand.

II. Producer Matters

CI-1.
Reserved

III. Pipeline Certificate Matters

CP-1.
Reserved

Lois D. Cashell,

Secretary.

[FR Doc. 89-3441 Filed 2-9-89; 3:29 pm]

BILLING CODE 6717-01-M

[USITC SE-89-05]

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Thursday, February 9, 1989 at 3:30 p.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Inv. No. 731-TA-207 (Final—Court Remand) (Cellular Mobile Telephones and Subassemblies Thereof)—briefing and vote.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 252-1000.

Kenneth R. Mason,

Secretary.

February 9, 1989.

[FR Doc. 89-3422 Filed 2-9-89; 2:39 pm]

BILLING CODE 7020-02-M

[USITC SE-89-04A]

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Thursday, February 15, 1989 at 4:30 p.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436.

STATUS: Open to the public.

Change of time. This meeting was originally scheduled to be held at 12 noon.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 252-1000.

Kenneth R. Mason,

Secretary.

February 9, 1989.

[FR Doc. 89-3423 Filed 2-9-89; 2:39 pm]

BILLING CODE 7020-02-M

[7P0401]

PAROLE COMMISSION

Record of Vote of Meeting Closure (Public Law 94-409) (5 U.S.C. Sec 552b)

I, Benjamin F. Baer, Chairman of the United States Parole Commission, presided at a meeting of said Commission which started at nine o'clock am. on Tuesday, February 8, 1989 at the Commission's Central Office, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815. The meeting ended at or about 2:30 p.m. The purpose of the meeting was to decide approximately 13 appeals from National Commissioner's decisions pursuant to 28 C.F.R. Sec. 2.27. Nine Commissioners were present, constituting a quorum when the vote to close the meeting was submitted.

Public announcements further describing the subject matter of the meeting and certifications of General Counsel that this meeting may be closed by vote of the Commissioners present were submitted to the Commissioners prior to the conduct of any other business. Upon motion, duly made, seconded, and carried, the following Commissioners voted that the meeting be closed: Benjamin F. Baer, Jasper Clay, Jr., Vincent Fechtel, Jr., Carol Pavilack Getty, Daniel R. Lopez, and G. MacKenzie Rast.

IN WITNESS WHEREOF, I make this official record of the vote taken to close this meeting and authorize this record to be made available to the public.

Date: February 9, 1989.

Benjamin F. Baer,

Chairman, U.S. Parole Commission.

[FR Doc. 89-3408 Filed 2-9-89; 2:42 pm]

BILLING CODE 4410-1-M

[Meeting No. 1413]

TENNESSEE VALLEY AUTHORITY

TIME AND DATE: 1:30 p.m. (EST), Wednesday, February 15, 1989.

PLACE: TVA Chattanooga Office Complex Auditorium, 1101 Market Street, Chattanooga, Tennessee.

STATUS: Open.

AGENDA

Approval of minutes of meeting held on January 4, 1989.

Discussion Item

1. TVA staff will report on water resources management.

Action Items

New Business

A—Budget and Financing

A1. Modification of the Capital Budget Financed from Power Proceeds and Borrowings for Fiscal Year 1989—Reynolds, Alabama, 161-kV Switching Station Project.

C—Power Items

*C1. Renewal Power Contract with Chattanooga, Tennessee.

C2. Revision to Economy Surplus Power Program.

C3. Arrangement for Providing Distributors a Coincidence Factor Credit for Large Part A Loads.

C4. Alternative Wholesale Power Rate Schedules with a Revised Adjustment 4 Providing for Calculation of Credits and Quarterly Basis.

E—Real Property Transactions

E1. Abandonment of Navigation Easement Rights Affecting Approximately 5.5 Acres on Kentucky Reservoir in Humphreys County, Tennessee.

E2. Abandonment of Road Right of Way Affecting 3.6 Acres on Chickamauga Reservoir in Hamilton County, Tennessee.

F—Unclassified.

F1. Supplement No. 5 to Contract No. TV-52628A Between TVA and the Resource Authority in Sumner County, Tennessee.

F2. Supplement No. 2 to Subagreement No. 27 to Memorandum of Agreement No. TV-23928A between TVA and U.S. Department of the Army, Corps of Engineers, for Improvements to Navigation Facilities on the Tennessee River.

F3. Supplement No. 11 to Contract No. TV-69546A with U.S. Department of Agriculture, Forest Service, for Geographic Information System Assistance.

F4. Supplement No. 2 to Contract No. TV-70363A Between TVA and the Solar Energy Research Institute.

F5. Project Order form the U.S. Army Resource Management Division, Rocky Mountain Arsenal, to TVA, National Fertilizer Development Center.

F6. Proposed Supplement No. 3 to Contract No. TV-62455A with the Department of Energy, Bonneville Power Administration.

F7. Supplement No. 5 to Contract No. TV-66099A Between TVA and the Department of Energy, Western Area Power Administration.

CONTACT PERSON FOR MORE INFORMATION: Alan Carmichael, Manager of Public Affairs, or a member of his staff can respond to requests for information about this meeting (Call (615) 632-8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 479-4412.

Dated: February 8, 1989.

Edward S. Christenbury,

General Counsel and Secretary

[FR Doc. 89-3424 Filed 2-9-89; 2:38 pm]

BILLING CODE 8120-01-M

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* Items approved by individual Board members. This would give formal ratification to the Board's acton.

Reader Aids

Federal Register

Vol. 54, No. 28

Monday, February 13, 1989

INFORMATION AND ASSISTANCE

FEDERAL REGISTER PAGES AND DATES, FEBRUARY

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

414 5090

17 CFR

4 5597
231 5600
241 5600
Proposed Rules:
1 5576
3 5576
31 5576
145 5576
147 5576

18 CFR

157 6120
201 5424
271 5075
284 5219
381 5424
Proposed Rules:
410 5638

19 CFR

122 5427
148 5076
162 5076
178 5427
207 ..... 5077, 5220
356 5930
Proposed Rules:
134 6418
141 5091
152 5197
162 6420
178 5091
353 5092

20 CFR

204 5223
235 5225
302 5226
337 5226
404 5603

21 CFR

5 6517
133 6120
178 ..... 5604, 6121, 6124, 6365
179 6475
182 6365
211 5227
510 6232
520 6232
522 6232
524 ..... 5431, 6232
529 5431
546 6232
555 6232
556 5229
558 ..... 5229, 5930, 6518
892 5077
Proposed Rules:
50 6060
56 6060
310 5576
343 5576
369 5576
630 5497
1310 6144
1313 6144

22 CFR

137 6363
208 6363
310 6363
513 6363
1006 6363
1508 6363
Proposed Rules:
503 6420

24 CFR

24 6363
125 6492

25 CFR

2 6478

26 CFR

1 5577
601 6363
Proposed Rules:
1 ..... 5577, 5939
53 6060
56 6060

28 CFR

67 6363
Proposed Rules:
34 6098

29 CFR

1 5303
5 5303
98 6363
1471 6363
2704 6284
Proposed Rules:
530 ..... 5303, 5500
1602 6551
1627 6551

30 CFR

5 6365
Proposed Rules:
250 6302
761 5577
925 6423
935 5940

31 CFR

19 6363
500 5229
515 5229

32 CFR

199 5604
280 6363
286b 5235
351 5607
Proposed Rules:
169 5640

33 CFR

100 ..... 5432, 6392, 6519
165 5432
173 5608
174 5608
207 6519
334 6519

34 CFR

73 6364
85 6363

35 CFR

253 6364

36 CFR

1190 5434
1209 6363
Proposed Rules:
Ch. VII 6553
222 6425

37 CFR

10 6520
Proposed Rules:
211 5942

38 CFR

1 6520
2 5610
3 ..... 5235, 5610
8 5931
14 ..... 5610, 5613
19 5610
44 6363
Proposed Rules:
21 ..... 5640, 5944, 5945

39 CFR

Proposed Rules:
111 5641

40 CFR

32 6363
52 ..... 5236, 5448, 5449, 6125, 6286, 6287
60 5078
61 5078
81 5237
82 6376
162 6288
180 ..... 5079, 5080, 6126–6130, 6392
185 ..... 6129, 6130
186 6130
261 5081
271 ..... 6290, 6396
280 5451
300 6521
704 5197
Proposed Rules:
52 ..... 5083, 5247, 5249, 6302, 6307, 6430
60 5302
180 ..... 5502, 6151
257 5746
271 5500
300 6153
503 5746

41 CFR

101–17 6291
101–50 6363
105–68 6363
Proposed Rules:
201–1 ..... 5904, 5905
201–2 5905
201–6 5905
201–7 5904
201–8 5905
201–11 5905
201–16 5904
201–23 ..... 5904, 5905
201–24 ..... 5904, 5905
201–30 ..... 5904, 5905
201–32 ..... 5904, 5905
201–38 ..... 5904, 5905
201–39 5905
201–40 ..... 5904, 5905
201–41 5905

42 CFR

57 5615
413 ..... 5316, 5619
433 5452
442 5316
447 5316
483 5316
488 5316
489 5316
498 5316
Proposed Rules:
405 5946
415 5946

43 CFR

4 6483
12 6363
Public Land Orders:
6696 5302
6706 6232
6707 5932
Proposed Rules:
11 5093

44 CFR

17 6363
64 ..... 5462, 6522
65 ..... 5238, 5239
67 5240
Proposed Rules:
67 ..... 5971, 5979

45 CFR

76 6363
400 5463
620 6363
1080 6368
1154 6363
1169 6363
1185 6363
1229 6363
2016 6363
Proposed Rules:
704 5504

46 CFR

25 6396
58 6396
147 6396
184 6396
221 5382
252 5085
282 5086
Proposed Rules:
31 5642
71 5642
91 5642
550 ..... 5253, 5506
580 5506
581 5506

47 CFR

25 5483
69 6292
73 ..... 5243–5245, 5623, 5624 5932, 5933, 6132–6134, 6294
97 5933
Proposed Rules:
73 ..... 5979–5983, 6154, 6155, 6307, 6308

48 CFR

204 5484
219 5484
1837 5625
Proposed Rules:
25 6251

52.....6251
505.....5516
509.....6308
552.....6308

49 CFR

29.....6363
192.....5484, 5625
195.....5625
218.....5485
1312.....6403
1314.....6403

Proposed Rules:

392.....5516
393.....5516
396.....5518
544.....5519

50 CFR

17.....5935
380.....6407
611.....6524
646.....5938
652.....6415
672.....6524
675.....6134
683.....6531

Proposed Rules:

17.....5095, 5983, 5986

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List February 10, 1989

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

New units issued during the week are announced on the back cover of the daily **Federal Register** as they become available.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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Title	Price	Revision Date
1, 2 (2 Reserved)	$10.00	Jan. 1, 1988
3 (1987 Compilation and Parts 100 and 101)	11.00	[1] Jan. 1, 1988
4	14.00	Jan. 1, 1988
5 Parts:		
1-699	14.00	Jan. 1, 1988
700-1199	15.00	Jan. 1, 1988
1200-End, 6 (6 Reserved)	11.00	Jan. 1, 1988
7 Parts:		
0-26	15.00	Jan. 1, 1988
27-45	11.00	Jan. 1, 1988
46-51	16.00	Jan. 1, 1988
52	23.00	Jan. 1, 1988
53-209	18.00	Jan. 1, 1988
210-299	22.00	Jan. 1, 1988
300-399	11.00	Jan. 1, 1988
400-699	17.00	Jan. 1, 1988
700-899	22.00	Jan. 1, 1988
900-999	26.00	Jan. 1, 1988
1000-1059	15.00	Jan. 1, 1988
1060-1119	12.00	Jan. 1, 1988
1120-1199	11.00	Jan. 1, 1988
1200-1499	17.00	Jan. 1, 1988
1500-1899	9.50	Jan. 1, 1988
1900-1939	11.00	Jan. 1, 1988
1940-1949	21.00	Jan. 1, 1988
1950-1999	18.00	Jan. 1, 1988
2000-End	6.50	Jan. 1, 1988
8	11.00	Jan. 1, 1988
9 Parts:		
1-199	19.00	Jan. 1, 1988
200-End	17.00	Jan. 1, 1988
10 Parts:		
0-50	18.00	Jan. 1, 1988
51-199	14.00	Jan. 1, 1988
200-399	13.00	[2] Jan. 1, 1987
400-499	13.00	Jan. 1, 1988
500-End	24.00	Jan. 1, 1988
11	10.00	July 1, 1988
12 Parts:		
1-199	11.00	Jan. 1, 1988
200-219	10.00	Jan. 1, 1988
220-299	14.00	Jan. 1, 1988
300-499	13.00	Jan. 1, 1988
500-599	18.00	Jan. 1, 1988
600-End	12.00	Jan. 1, 1988
13	20.00	Jan. 1, 1988
14 Parts:		
1-59	21.00	Jan. 1, 1988
60-139	19.00	Jan. 1, 1988
140-199	9.50	Jan. 1, 1988
200-1199	20.00	Jan. 1, 1988
1200-End	12.00	Jan. 1, 1988
15 Parts:		
0-299	10.00	Jan. 1, 1988
300-399	20.00	Jan. 1, 1988
400-End	14.00	Jan. 1, 1988
16 Parts:		
0-149	12.00	Jan. 1, 1988
150-999	13.00	Jan. 1, 1988
1000-End	19.00	Jan. 1, 1988
17 Parts:		
1-199	14.00	Apr. 1, 1988
200-239	14.00	Apr. 1, 1988
240-End	21.00	Apr. 1, 1988
18 Parts:		
1-149	15.00	Apr. 1, 1988
150-279	12.00	Apr. 1, 1988
280-399	13.00	Apr. 1, 1988
400-End	9.00	Apr. 1, 1988
19 Parts:		
1-199	27.00	Apr. 1, 1988
200-End	5.50	Apr. 1, 1988
20 Parts:		
1-399	12.00	Apr. 1, 1988
400-499	23.00	Apr. 1, 1988
500-End	25.00	Apr. 1, 1988
21 Parts:		
1-99	12.00	Apr. 1, 1988
100-169	14.00	Apr. 1, 1988
170-199	16.00	Apr. 1, 1988
200-299	5.00	Apr. 1, 1988
300-499	26.00	Apr. 1, 1988
500-599	20.00	Apr. 1, 1988
600-799	7.50	Apr. 1, 1988
800-1299	16.00	Apr. 1, 1988
1300-End	6.00	Apr. 1, 1988
22 Parts:		
1-299	20.00	Apr. 1, 1988
300-End	13.00	Apr. 1, 1988
23	16.00	Apr. 1, 1988
24 Parts:		
0-199	15.00	Apr. 1, 1988
200-499	26.00	Apr. 1, 1988
500-699	9.50	Apr. 1, 1988
700-1699	19.00	Apr. 1, 1988
1700-End	15.00	Apr. 1, 1988
25	24.00	Apr. 1, 1988
26 Parts:		
§§ 1.0-1-1.60	13.00	Apr. 1, 1988
§§ 1.61-1.169	23.00	Apr. 1, 1988
§§ 1.170-1.300	17.00	Apr. 1, 1988
§§ 1.301-1.400	14.00	Apr. 1, 1988
§§ 1.401-1.500	24.00	Apr. 1, 1988
§§ 1.501-1.640	15.00	Apr. 1, 1988
§§ 1.641-1.850	17.00	Apr. 1, 1988
§§ 1.851-1.1000	28.00	Apr. 1, 1988
§§ 1.1001-1.1400	16.00	Apr. 1, 1988
§§ 1.1401-End	21.00	Apr. 1, 1988
2-29	19.00	Apr. 1, 1988
30-39	14.00	Apr. 1, 1988
40-49	13.00	Apr. 1, 1988
50-299	15.00	Apr. 1, 1988
300-499	15.00	Apr. 1, 1988
500-599	8.00	[3] Apr. 1, 1930
600-End	6.00	Apr. 1, 1988
27 Parts:		
1-199	23.00	Apr. 1, 1988
200-End	13.00	Apr. 1, 1988
28	25.00	July 1, 1988

Title	Price	Revision Date
29 Parts:		
0–99	17.00	July 1, 1988
100–499	6.50	July 1, 1988
500–899	24.00	July 1, 1988
900–1899	11.00	July 1, 1988
1900–1910	29.00	July 1, 1988
1911–1925	8.50	July 1, 1988
1926	10.00	July 1, 1988
1927–End	23.00	July 1, 1987
30 Parts:		
0–199	20.00	July 1, 1988
200–699	12.00	July 1, 1988
700–End	18.00	July 1, 1988
31 Parts:		
0–199	13.00	July 1, 1988
200–End	17.00	July 1, 1988
32 Parts:		
1–39, Vol. I	15.00	[4] July 1, 1984
1–39, Vol. II	19.00	[4] July 1, 1984
1–39, Vol. III	18.00	[4] July 1, 1984
1–189	20.00	July 1, 1987
190–399	23.00	July 1, 1987
400–629	21.00	July 1, 1988
630–699	13.00	[5] July 1, 1986
700–799	15.00	July 1, 1988
800–End	16.00	July 1, 1988
33 Parts:		
1–199	27.00	July 1, 1988
200–End	19.00	July 1, 1988
34 Parts:		
1–299	20.00	July 1, 1987
300–399	12.00	July 1, 1988
400–End	23.00	July 1, 1987
35	9.50	July 1, 1988
36 Parts:		
1–199	12.00	July 1, 1988
200–End	20.00	July 1, 1988
37	13.00	July 1, 1988
38 Parts:		
0–17	21.00	July 1, 1987
18–End	19.00	July 1, 1988
39	13.00	July 1, 1988
40 Parts:		
1–51	23.00	July 1, 1988
52	27.00	July 1, 1988
53–60	24.00	July 1, 1987
61–80	12.00	July 1, 1988
81–99	25.00	July 1, 1987
100–149	23.00	July 1, 1987
150–189	18.00	July 1, 1987
190–299	24.00	July 1, 1988
300–399	8.50	July 1, 1988
400–424	21.00	July 1, 1988
425–699	21.00	July 1, 1988
700–End	27.00	July 1, 1987
41 Chapters:		
1, 1–1 to 1–10	13.00	[6] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)	13.00	[6] July 1, 1984
3–6	14.00	[6] July 1, 1984
7	6.00	[6] July 1, 1984
8	4.50	[6] July 1, 1984
9	13.00	[6] July 1, 1984
10–17	9.50	[6] July 1, 1984
18, Vol. I, Parts 1–5	13.00	[6] July 1, 1984
18, Vol. II, Parts 6–19	13.00	[6] July 1, 1984
18, Vol. III, Parts 20–52	13.00	[6] July 1, 1984
19–100	13.00	[6] July 1, 1984
1–100	10.00	July 1, 1988
101	23.00	July 1, 1987
102–200	12.00	July 1, 1988
201–End	8.50	July 1, 1988

Title	Price	Revision Date
42 Parts:		
1–60	15.00	Oct. 1, 1988
61–399	5.50	Oct. 1, 1988
400–429	21.00	Oct. 1, 1987
430–End	14.00	Oct. 1, 1987
43 Parts:		
1–999	15.00	Oct. 1, 1987
1000–3999	24.00	Oct. 1, 1987
4000–End	11.00	Oct. 1, 1987
44	18.00	Oct. 1, 1987
45 Parts:		
1–199	14.00	Oct. 1, 1987
200–499	9.00	Oct. 1, 1987
500–1199	18.00	Oct. 1, 1987
1200–End	14.00	Oct. 1, 1987
46 Parts:		
1–40	13.00	Oct. 1, 1987
41–69	13.00	Oct. 1, 1987
70–89	7.00	Oct. 1, 1987
90–139	12.00	Oct. 1, 1988
140–155	12.00	Oct. 1, 1988
156–165	14.00	Oct. 1, 1987
166–199	13.00	Oct. 1, 1987
200–499	19.00	Oct. 1, 1987
500–End	10.00	Oct. 1, 1988
47 Parts:		
0–19	17.00	Oct. 1, 1987
20–39	21.00	Oct. 1, 1987
40–69	10.00	Oct. 1, 1987
70–79	17.00	Oct. 1, 1987
80–End	20.00	Oct. 1, 1987
48 Chapters:		
1 (Parts 1–51)	26.00	Oct. 1, 1987
1 (Parts 52–99)	16.00	Oct. 1, 1987
2 (Parts 201–251)	17.00	Oct. 1, 1987
2 (Parts 252–299)	15.00	Oct. 1, 1987
3–6	17.00	Oct. 1, 1987
7–14	24.00	Oct. 1, 1987
15–End	23.00	Oct. 1, 1987
49 Parts:		
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1987. The CFR volume issued January 1, 1987, should be retained.

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[4] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[5] No amendments to this volume were promulgated during the period July 1, 1986 to June 30, 1988. The CFR volume issued as of July 1, 1986, should be retained.

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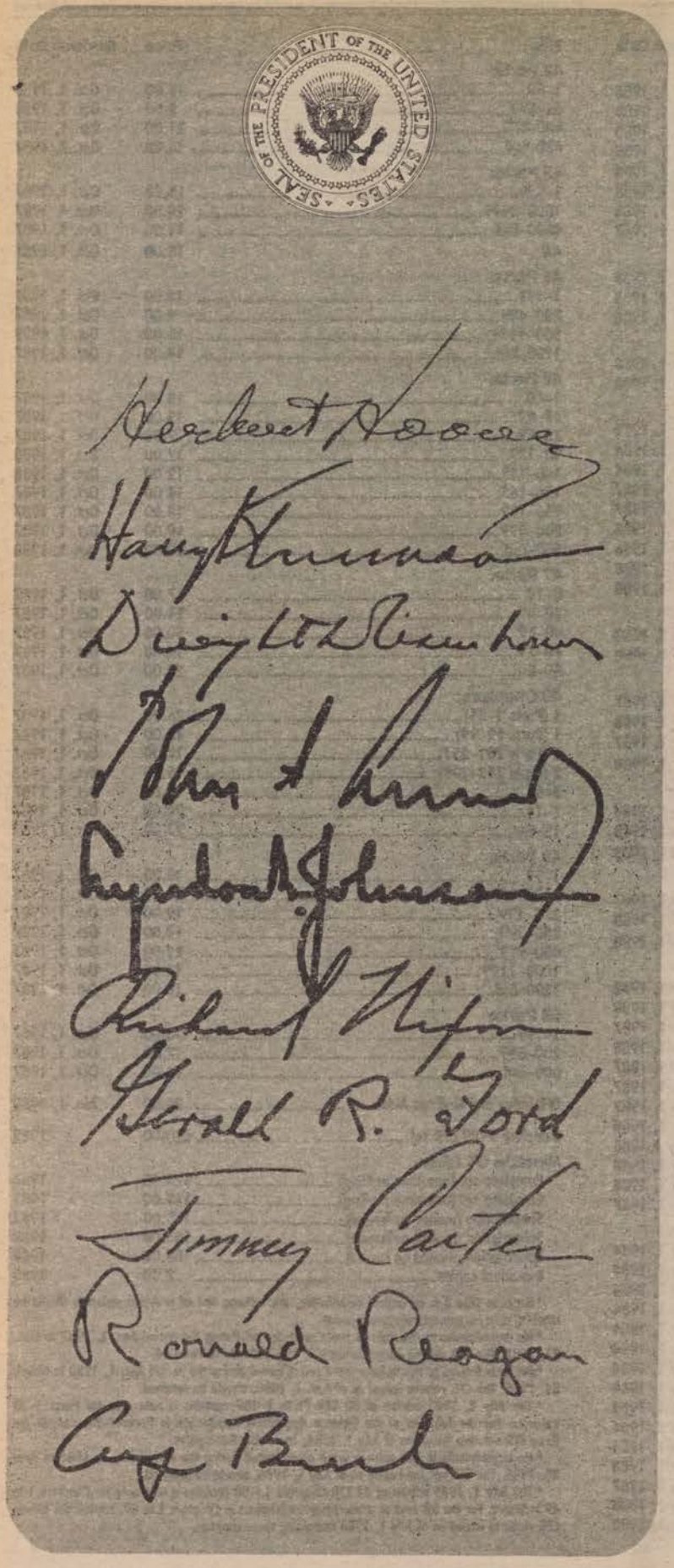

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